













**SELECTED WORKS OF  
RAJA RAMMOHUN ROY**







*CLASSICS OF INDIAN POLITICS*

# SELECTED WORKS OF RAJA RAMMOHUN ROY



PUBLICATIONS DIVISION  
MINISTRY OF INFORMATION AND BROADCASTING  
GOVERNMENT OF INDIA



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## **Acknowledgement**

**The Selected Works presented in this book have been drawn from "The English Works of Raja Rammohun Roy" published in six volumes.**

**These volumes running into about 850 pages and containing some 4,00,000 words were edited by Dr. Kalidas Nag and Debajyoti Burman from material which had been out of print for half a century. Published by the Sadharan Brahmo Samaj, Calcutta between 1945 and 1951, even these are now not easily available.**



## About the Series

Some of the writings of eminent Indians who deeply influenced the political, social and economic thinking of their countrymen and also articulated their voice for a share in the governance of the land—leading ultimately to freedom—have already become rare.

With a view to making available to readers of the younger generation such books which have dealt directly with political philosophy and the urge for freedom and social reform, the Publications Division is starting a new series entitled "Classics of Indian Politics."

It is but appropriate that we should begin the series with the Selected Works of Raja Ram-mohun Roy, the father of Indian renaissance. An erudite scholar and a humanist, he yearned not only for India's liberation but also for freedom and democracy everywhere and for a world order based on co-operation and understanding among nations.



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# **The Governance of India**



*In 1831, a Select Committee appointed by the British Parliament went into the question of renewal of the East India Company's charter. While Raja Rammohun Roy did not appear before the Select Committee, he answered the questionnaires issued by them, mainly regarding the judicial and revenue systems prevailing in India.*

*The answers he gave to searching questions show his deep study and understanding of the issues involved. On the judicial side, he made several suggestions for improving justice and avoiding delays in courts. He proposed the introduction of Panchayat system and separation of judiciary and the executive. He was for closer association of Indians with the dispensation of justice, and use of English in place of Persian for court work.*

*On the revenue side, he felt that while the Permanent Settlement of 1793 had benefited the landlords, the peasants had suffered. He pleaded for ameliorating their lot and freezing of their rent at the existing level, which also he considered to be exorbitant. Rents could actually be reduced and the loss in revenue made up by imposing a tax on luxury goods and appointing a large number of Indian staff in place of high salaried foreigners.*

## India—Its Boundary and History

INDIA, anciently called the “Bharata Varsha”<sup>1</sup> after the name of a monarch called “Bharata”<sup>2</sup> is bounded on its south by the sea; on the east partly by this sea, and partly by ranges of mountains separating it from the ancient China, or rather the countries now called Assam, Cassay and Arracan; on the north by a lofty and extensive chain of mountains which divides it from Tibet; and on the west partly by ranges of mountains, separating India from the ancient Persia and extending towards the Western Sea, above the mouth of the Indus, and partly by this sea itself. It lies between the 8th and 35th degrees of north latitude, and the 67th and 93rd degrees of east longitude.<sup>3</sup>

Wide tracts of this empire were formerly ruled by different individual princes, who, though politically independent of, and hostile to each other, adhered to the same religious principles, and

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<sup>1</sup> “Varsha” implies a large tract of continent, cut off from other countries by natural boundaries, such as, oceans, mountains, or extensive deserts.

<sup>2</sup> “Bharata”, a humane and powerful prince, supposed to have sprung from the “Indu-Vansa” or the lunar race.

<sup>3</sup> The boundary mountains are interrupted on the east between 90° and 91° E. and lat. 26° and 27° N. Hence the countries to the east of the Brahmaputra, as Assam, Ava, Siam, etc., as far as 102° E. long. are by some authors considered as part of India, though beyond its natural limits; and by European writers usually called “India beyond the Ganges.” There, relics of Sanskrit literature, and remains of Hindu temples are still found. Other ancient writers, however, considered these countries as attached to China, the inhabitants having greater resemblance to the Chinese in features.

The western boundary mountains are in like manner broken at long. 70° east, and at lat. 34° north. Consequently the countries beyond that natural limit, such as, Cabul and Candahar, are supposed by some to be included in India, and by others in Persia. But many Hindu antiquities still exist there to corroborate the former notion. Not only the northern boundary mountains of India but also those mountains which form the eastern and western limits of it, are by the ancient writers on India, termed Himalaya, and considered branches of that great chain. “In the north direction is situated the prince of mountains, the ‘immortal Himalaya’ which immersing both in the eastern and western seas, stands on earth as a standard of measure (or line of demarcation)”. — Kalidasa.

commonly observed the leading rites and ceremonies taught in the Sanskrit language, whether more or less refined. These tracts of land are separated from each other by rivers, or hills, or sometimes by imaginary lines of demarcation.

The part styled "the civilized," in the sacred writings of the Brahmans, consists of two large divisions.<sup>1</sup>

The first is called "the civilized and sacred land"<sup>2</sup>, which, extending from the banks of the Indus at 34° north and 72°25 east, in a south-easterly direction, along the foot of the Himalaya mountains as far as 26° 30 north and 87° 30 east, lies between this line and the northern limits of the Vindhya range, which runs from 22° north and 73° east, to 25° north and 87°30 east, through Rajmahal, Behar, Benares, the Provinces of Allahabad, and of Malwa, along the north side of the Nerbudda, almost to the west coast of India. The second division is named merely "the civilized land", and is situated between the eastern and western coasts, terminating towards the east at the mouth of the Ganges, about 22° north, and 87° 30 east, and on the west towards the mouth of the Indus, at nearly 22° north, and 72°30 east, comprehending the large Province of Gujrat.

The countries situated beyond the limits of the civilized lands, as above described, whether mountains, valleys, or low lands, though included within the Bharata Varsha, are declared to have been chiefly inhabited by *Mlechchhas*, or barbarians, and were therefore called barbarous countries.<sup>3</sup>

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<sup>1</sup> Manu, the most ancient authority, thus defines their limits: "The lands lying as far as the eastern and as far as the western oceans, and between the mountains just mentioned (Himalaya and Vindhya) are known to the wise by the name of "Aryavarta" or the land inhabited by respectable people." Ch. II, v. 22.

In his translation of this passage, Sir William Jones, by omitting to refer to the commentary, which substitutes the copulative Sanskrit particle "Cha" for "Eba," has thus translated this passage: "As far as the eastern and as far as the western oceans, between the two mountains just mentioned, lies the tract which the wise have named Aryavarta." This rendered the description obscure, if not wholly unintelligible; since the countries lying between these two ranges of mountains, are scarcely situated between the eastern and western seas.

<sup>2</sup> Because this division includes within it the tract which is called the Sacred Land, situated to the north of Delhi, thus described by Manu: "Between the two divine rivers, Saraswati and Drishadwati, lies the tract of land which the sages have named Brahmavarta, because it was frequented by gods."

<sup>3</sup> A country, where the distinction of the four classes (Brahman, Kshatriya, Vaishya, and Shudra) is not observed, is known as 'Mlechchha Desa' or "barbarous country," as quoted by Raghunandana.

In consequence of the multiplied divisions and sub-divisions of the land into separate and independent kingdoms, under the authority of numerous princes hostile towards each other<sup>1</sup>, and owing to the successive introduction of a vast number of castes and sects, destroying every texture of social and political unity, the country (or, properly speaking, such parts of it as were contiguous to foreign lands), was at different periods invaded, and brought under temporary subjection to foreign princes, celebrated for power and ambition.

About 900 years ago, the Muhammedan princes, advancing by the north-west, began to ravage and overrun the country; and after continued efforts, during several centuries, they succeeded in conquering the best parts of India. Their rule was transferred in succession from one dynasty of conquerors to another (Ghazni, Ghor, and Afghan), till 1525 of the Christian era, when prince Babar, a descendant of Timur (or Tamerlane), in the fifth generation, established his throne in the centre of Hindustan. His offspring (the Moghul dynasty) exercised the uncontrolled sovereignty of this empire<sup>2</sup> for nearly two centuries (with the exception of about sixteen years), under a variety of changes, according to the rise or decrease of their power.

In the year 1712, the star of the Moghul ascendancy inclined towards descent, and has since gradually sunk below the horizon. The princes oftener consulted their own personal comfort than the welfare of the state, and relied for success on the fame of their dynasty, rather than on sound policy and military valour. Not only their crowns, but their lives also, depended on the goodwill of the nobles, who virtually assumed independence of the sovereign power, and each sought his own individual aggrandisement.

At present, all the southern and eastern, as well as several of the western provinces of the empire, have gradually fallen into the possession of the English. The army they employed chiefly consisted of the natives of India, a country into which

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<sup>1</sup> Compare the feeble state of Persia when ruled by several independent princes, with the formidable power she enjoyed when consolidated under the empire of the Sufis.

Direct your attention to a still nearer country, I mean England: and compare the consequences formerly arising from her divided resources, with her present state of elevation under the subsisting union.

<sup>2</sup> It may be considered as consisting of the following twenty provinces: Delhi, Lahore, Cashmere, Cabul, Candahar, Ajmere, Multan, Gujrat, Agra, Oudh, Allahabad, Behar, Bengal, Orissa, Malwah, Khandesh, Berar, Aurangabad, Golconda, Bejapoor.

the notion of patriotism has never made its way. Those territories were in fact transferred to British possession from the rule of a number of the rebellious nobility. While the greatest part of the northern provinces beyond the river Sutlej has fallen into the hands of Runjeet Singh, the chief of a tribe commonly called Sikhs.

Akbar the Second, present heir and representative of the imperial house of Timur, enjoys only the empty title of "King of Delhi", without either royal prerogative or power.

Runjeet Singh, sovereign of north-western India (consisting of Lahore, Multan, Cashmere, and Eastern Cabul) is considered highly gifted with prudence and moderation, and apparently inclined towards liberal principles; judicious in the discharge of public duties, and affable in private intercourse. The idea of constitutional government being entirely foreign to his mind, he has necessarily followed the same system of arbitrary rule which has been for ages prevailing in the country. The government he has established, although it be purely military, is nevertheless mild and conciliatory.

With regard to the circumstances under which a body of respectable English merchants (commonly known by the name of the Honourable East India Company) first obtained their Charter of Privileges in 1600, during the reign of Queen Elizabeth, to carry on trade with the East Indies; and with respect to the particulars of their success in procuring from the Emperor of Hindustan (Jahangir), and from several of his successors permission to establish commercial factories, as well as the enjoyment of protection, and various privileges in that country; with relation further to their conquests, which commencing about the middle of the 18th century have extended over the greater part of India—conquests principally owing to the dissensions and pusillanimous conduct of the native princes and chiefs, as well as to the ignorance existing in the East, of the modern improvements in the art of war, combined with the powerful assistance afforded to the Company by the naval and military forces of the crown of England—I refer the reader to the modern histories of India,<sup>1</sup> such particulars and details being quite foreign to the object which I have for the present in view.

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<sup>1</sup> Bruce's Annals; Anderson's History of Commerce in McPherson's Annals; Sir Thomas Roe's Journal and Letters; Raynal's East and West Indies; Orme's Historical fragments, and on the Government and people of Hindostan; Dow's History; Malcolm's Sketch of the political History of India; Ditto, Central India; and Mill's History of British India.

The government of England, in the meantime, received frequent intimations of the questionable character of the means by which their acquisitions had been obtained and conquests achieved, and of the abuse of power committed by the Company's servants,<sup>1</sup> who were sent out to India from time to time to rule the territory thus acquired; and the impression in consequence was that the immense, or rather incalculable, distance between India and England, impeding intercourse between the natives of the two countries, and the absence of efficient local check on the exercise of power by the Company's executive officers, as well as the hope of support from their influential employers in England, might lead many of them to neglect or violate their duties and bring reproach on the national character. Under these apprehensions the British Parliament in 1773, by 13th Geo. III, commonly called the Regulating Act, declared that all territorial acquisitions by conquest or treaty belong to the state, directed that all correspondence connected with their civil or military government should be submitted to the consideration of the Ministers; and subsequently in 1784, (by act 24th Geo. III cap. 25) a Board of Commissioners was established by the crown as a control over the East India Company and the executive officers in India. The Board consists of a president, who usually has a seat in the British cabinet, and of several members, honorary and otherwise, with a secretary and other requisite subordinate officers. This institution has answered the purpose as regards subjects of a general nature.

The system of rule introduced and acted on in India by the executive officers of the Company, previous to 1793, was of a mixed nature—European and Asiatic. The established usages of the country were for the most part adopted as the model of their conduct, in the discharge of political, revenue, and judicial functions, with modification at the discretion of the local authority. In addition to the exercise of the sovereign power, power declared through policy to have been vested in them by the throne of Delhi, they continued to act in their commercial capacity with greater success than previous to their sovereignty.<sup>2</sup>

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<sup>1</sup> They were generally relations and friends of the leading members of the Company, twenty-four in number, called the "Directors," first elected in 1709, and invested by the general body of the Company with the power of managing their territorial possessions in India, as well as their commerce in the East and West.

<sup>2</sup> The monopoly of salt has proved an immense source of revenue to them. Besides the factories of opium, silk, cloth, etc., have been established in many places favourably situated for commerce.

In consideration of the extensive territories acquired by the Company in different parts of India, they deemed it advisable to establish three governments at the three presidencies of Bengal, Madras and Bombay; the two latter being, since 1773, subordinate to the first in matters of a political nature.

The Marquis of Cornwallis, a straight-forward honest statesman, assumed the reins of government in Bengal in 1786.<sup>1</sup> He succeeded not only in consolidating the British power in its political relations in those remote regions, but also in introducing, in 1793, material changes in every department, particularly in the revenue and judicial systems. These changes approximating to the institutions existing in England, are calculated to operate beneficially, if regularly reduced to practice.

As my evidence respecting the Government of India which will form the main body of the treatise gives a particular account of the practical operation of these systems, I refrain from a repetition of it in this place.

From occasionally directing my studies to the subjects and events peculiarly connected with Europe, and from an attentive though partial, practical observation in regard to some of them, I felt impressed with the idea, that in Europe literature was zealously encouraged and knowledge widely diffused; that mechanics were almost in a state of perfection, and politics in daily progress; that moral duties were, on the whole, observed with exemplary propriety notwithstanding the temptations incident to a state of high and luxurious refinement; and that religion was spreading, even amid scepticism and false philosophy.

I was in consequence continually making efforts for a series of years, to visit the Western World, with a view to satisfy myself on those subjects by personal experience. I ultimately succeeded in surmounting the obstacles to my purpose, principally of a domestic nature; and having sailed from Calcutta on the 19th of November, 1830, I arrived in England on the 8th of April following. The particulars of my voyage and travels will be found in a journal which I intend to publish; together with whatever has appeared to me most worthy of remark and record in regard to the intelligence, riches and power, manners, customs, and especially the female virtue and excellence existing in this country.

The question of the renewal of the Honourable East India

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<sup>1</sup> Since the formation of the Board of Commissioners for the affairs of India, the Crown has exercised the right of selection in regard to the Governor-General to be nominated by the Company.

Company's Charter<sup>1</sup> being then under the consideration of the government, and various individuals connected with India having been examined as witnesses on the subject, the authorities wished me also, as a native of that country, to deliver my evidence; which was, in consequence, given as in the following pages.

Although it has been printed among the other minutes of evidence taken before the Select Committee of the House of Commons, I deem it proper to publish it in a separate form, for the purpose of prefixing these preliminary explanations, and of accompanying it with notes and replies to remarks made thereon, by persons whose opinions are deserving of notice.

<sup>1</sup> The Company's Charter was last renewed by the Crown in 1813, with certain modifications, for a period of twenty years, and consequently expires in 1833, unless previously renewed.



## Judicial System of India: Questions and Answers

1. Question. Have you observed the operation of the judicial system in India?

Answer. I have long turned my attention towards the subject, and possess a general acquaintance with the operation of that system, more particularly from personal experience in the Bengal presidency, where I resided.

2. Q. Do you think that the system hitherto acted upon is calculated to secure justice?

A. The judicial system established in 1793, by Lord Cornwallis, was certainly well adapted to the situation of the country, and to the character of the people as well as of the government, had there been a sufficient number of qualified judges to discharge the judicial office, under a proper code of laws.

3. Q. Explain particularly in what points you consider the practical operation of the system defective?

A. In the want of a sufficient number of judges and magistrates, in the want of adequate qualification in many of them to discharge the duty in foreign languages, and in the want of a proper code of laws, by which they might be easily guided.

4. Q. Can you explain what evils result from the want of a greater number of judges?

A. 1st: The courts being necessarily few in number in comparison to the vast territories under the British rule, many of the inhabitants are situated at so great a distance from them, that the poorer classes are in general unable to go and seek redress for any injury, particularly those who may be oppressed by their wealthier neighbours, possessing great local influence.

2ndly: The business of the courts is so heavy that causes often accumulate to such an extent, that many are necessarily pending some years before they can be decided; an evil which is aggravated by subsequent appeals from one court to another, attended, with further delay and increased expense. By this state of things wrong-doers are encouraged, and the innocent and oppressed in the same proportion discouraged, and often reduced to despair.

3rdly: Such a mass of business transacted in foreign

languages being too much for any one individual, even the ablest and best-intentioned judge, may be disheartened at seeing before him a file of causes which he can hardly hope to overtake; and he may therefore be thus induced to transfer a great part of the business to his native officers, who are not responsible, and who are so meanly paid for their services, that they may be expected to consult their own interests.

5. Q. Will you inform us what evils arise from the want of due qualification in the judges?

A. It is but justice to state that many of the judicial officers of the Company are men of the highest talents, as well as of strict integrity, and earnestly intent on doing justice. However, not being familiar with the laws of the people over whom they are called to administer justice by these laws, and the written proceedings of the court, answers, replies, rejoinders, evidence taken, and documents produced, being all conducted in a language which is foreign to them, they must either rely greatly on the interpretation of their native officers, or be guided by their own surmises or conjectures. In the one case, the cause will be decided by those who in point of rank and pay are so meanly situated, and who are not responsible to the government or public for the accuracy of the decision; in the other case, a decision founded on conjecture must be very liable to error. Still, I am happy to observe that there are some judicial officers, though very few in number, whose judgment and knowledge of the native languages are such, that in cases which do not involve much intricacy and legal subtlety, they are able to form a correct decision independent of the natives around them.

6. Q. Can you point out what obstructions to the administration of justice are produced by the want of a better code of laws?

A. The regulations published from year to year by the local government since 1793, which serve as instructions to the courts, are so voluminous, complicated, and in many instances, either too concise or too exuberant, that they are generally considered not a clear and easy guide; and the Hindu and Muhammedan laws administered in conjunction with the above regulations, being spread over a great number of different books of various and sometimes doubtful authority, the judges, as to law points, depend entirely on the interpretations of their native lawyers, whose conflicting legal opinions have introduced great perplexity into the administration of justice.

7. Q. Is there any other impediment to the fair administration of justice besides these you have stated?

A. The first obstacle to the administration of justice is, that its administrators and the persons among whom it is administered have no common language.

2ndly: That owing partly to this cause and also in a great measure to the difference of manners, etc., the communication between these two parties is very limited; in consequence of which the judges can with the utmost difficulty acquire an adequate knowledge of the real nature of the grievances of the persons seeking redress, or of the real character and validity of the evidence by which their claims are supported or opposed.

3rdly: That there is not the same relation between the native pleaders and the judge as between the British bar and the bench.

4thly: The want of publicity owing to the absence of reports and of a public press, to take notice of the proceedings of the courts in the interior : consequently there is no superintendence of public opinion to watch whether the judges attend their courts once a day or once a week, or whether they attend to business six hours or one hour a day, or their mode of treating the parties, the witnesses, the native pleaders or law officers, and others attending the courts—as well as the principles on which they conduct their proceedings and regulate their decisions; or whether in fact they investigate and decide the causes themselves, or leave the judicial business to their native officers and dependants. (In pointing out the importance of the fullest publicity being afforded to judicial proceedings by means of the press, I have no reference to the question of a free press, for the discussion of local politics, a point on which I do not mean to touch.)

5thly: The great prevalence of perjury, arising partly from the frequency with which oaths are administered in the courts, having taken from them the awe with which they were formerly regarded, partly from the judges being often unable to detect impositions in a foreign language, and to discriminate nicely the value of evidence amongst a people with whom they have in general so little communication; and partly from the evidence being frequently taken, not by the judge himself but by his native officers (Amlahs), whose goodwill is often secured beforehand by both parties, so that they may not endeavour to detect their false evidence by a strict examination. Under these circumstances the practice of perjury has grown so prevalent that the facts sworn to by the different parties in a suit are generally directly opposed to each other, so that it has become almost impossible to ascertain the truth from their contradictory evidence.

6thly: That the prevalence of perjury has again introduced the practice of forgery to such an extent as to render the administration of justice still more intricate and perplexing.

7thly: The want of due publicity being given to the regulations which stand at present in place of a code of laws. From their being very voluminous and expensive, the community generally have not the means of purchasing them; nor have they a sufficient opportunity of consulting or copying them in the judicial and revenue offices where they are kept. As these are usually at a distance from the populous parts of the town, only professional persons or parties engaged in suits or official business are in the habit of attending these offices.

8thly, and lastly: Holding the proceedings in a language foreign to the judges, as well as to the parties and to the witnesses.

8. Q. In what language are the proceedings of the courts conducted?

A. They are generally conducted in Persian, in imitation of the former Muhammedan rulers, of whom this was the court language.

9. Q. Are the judges, the parties and the witnesses sufficiently well acquainted with that language to understand the proceedings readily?

A. I have already observed that it is foreign to all these parties. Some of the judges, and a very few among the parties, however, are conversant with that language.

10. Q. Would it be advantageous to substitute the English language in the courts, instead of the Persian?

A. The English language would have the advantage of being the vernacular language of the judges. With regard to the native inhabitants, it would no doubt, in the meantime, have the same disadvantage as the Persian; but its gradual introduction in the courts would still, notwithstanding, prove ultimately beneficial to them by promoting the study of English.

11. Q. Does the native bar assist the judge, and form a check on the accuracy of the decisions?

A. It is no doubt intended to answer this most useful purpose, and does so to some extent; but, from the cause alluded to above (Ans. 7. No. 3), not to the extent that is necessary to secure the principles of justice.

12. Q. Do the judges treat the native pleaders with the consideration and respect due to their office?

A. They are not always treated in the inferior courts with the consideration due to their office.

13. Q. To what do you attribute it that the bar is not

treated with respect?

A. The native pleaders are so unfortunately situated from there being such a great distance between them and the judges who belong to the rulers of the country, and from not being of the same profession, or of the same class as the judges, and having no prospect of promotion as English barristers have; that they are treated as an inferior caste of persons.

14. Q. Do not the native judicial officers employed under the judge assist him in his proceedings?

A. Of course they assist him, and that very materially.

15. Q. What kind of assistance do they render to the judge?

A. They read the proceedings, *viz.*, bill (darkhast, or arzi), answers, replies, rejoinders, and other papers produced in the courts; they write the proceedings and depositions of the witnesses; and very often, on account of the weight of business, the judge employs them to take the depositions of the witnesses; sometimes they make abstracts of the depositions and other long papers, and lay them before the judge for his decision.

16. Q. Are they made responsible with the judge for these proceedings held?

A. They are responsible to the judge, but not to the government or the public.

17. Q. Are not the judges assisted also by Hindu and Muhammedan lawyers, appointed to act as interpreters of the law?

A. They are: learned natives of this description being attached to the courts to give their opinion on the Hindu and Muhammedan law points which may arise in any case.

18. Q. Are natives of the country empowered to decide causes of any description?

A. Yes: there are native Munsifs, or commissioners, for the decision of small debts; and Sudder Ameens who are authorised to try causes under five hundred rupees, whether connected with landed or moveable property.

19. Q. Are they qualified to discharge the duties entrusted to them?

A. Many of them are fully qualified; and if proper care can be taken in the selection, all the situations might be filled with well-qualified persons.

20. Q. What is your opinion of the general character and conduct of the judges in their official capacity as such?

A. I am happy to state that in my humble opinion the judicial branch of the service is at present almost pure; and there are among the judicial servants of the Company gentlemen of such distinguished talents, that from their natural

abilities, even without the regular study of the law, they commit very few, if any, errors in the administration of justice. Others are not so well gifted, and must therefore rely more on the representations of their native officers, and being free from any local check on their public conduct, their regularity, attention to business, and other judicial habits, are not equal to the wishes of their employers, nor calculated to give general satisfaction.

21. Q. Do they borrow money to any extent from the natives?

A. Formerly they borrowed to a great amount; at present this practice is discouraged.

22. Q. Why are the natives prevailed upon to lend to the judges, and other civilians, money to such an extent?

A. Natives not having any hope of attaining direct consideration from the government by their merits or exertions, are sometimes induced to accommodate the civil servants with money, by the hope of securing their patronage for their friends and relatives, the judges and other having many situations directly or indirectly in their gift; sometimes by the hope of benefiting by their friendly disposition when the natives have estates under their jurisdiction; and sometimes to avoid incurring the hostility of the judge, who, by Regulation IX of 1807, is empowered not only to imprison, but inflict corporal punishment, by his own authority under certain legal pretences on any native, whatever his respectability may be.

23. Q. What is your opinion of the judicial character and conduct of the Hindu and Muhammedan lawyers attached to the courts?

A. Among the Muhammedan lawyers I have met with some honest men. The Hindu lawyers are in general not well spoken of, and they do not enjoy much of the confidence of the public.

24. Q. What is your opinion of the official character and conduct of the subordinate native judicial officers?

A. Considering the trifling salaries which they enjoy, from 10, 20, 30, or 40 rupees to 100 rupees a month (the last being the allowance of the head native officer only), and the expenses they must incur, in supporting some respectability of appearance, besides maintaining their families; (the keeping of a palankeen alone must cost the headman a sum of between 20 and 30 rupees per month), and considering also the extent of the power which they must possess, from their situations and duties as above explained (Q. 15), and the immense sums involved in the issue of causes pending in the courts, it is not to be expected that the native officers, having such trifling salaries,

at least many of them, should not avail themselves sometimes of their official influence, to promote their own interests.

25. Q. What is your opinion of the professional character and conduct of the pleaders?

A. Many pleaders of the Sudder Dewany Adawlut are men of the highest respectability and legal knowledge, as the judges are very select in their appointment, and treat them in a way which makes them feel that they have a character to support. Those of the provincial courts of appeal are also generally respectable, and competent to the discharge of their duties. In the Zillah courts some respectable pleaders may also be met with, but proper persons for that office are not always very carefully selected; and in general, I may observe, that the pleaders are held in a state of too much dependence by the judges, particularly in the inferior courts, which must incapacitate them from standing up firmly in support of the rules of the court.

26. Q. Is bribery and corruption ever practised in the judicial department, and to what extent?

A. I have already intimated my opinion in the answer to Questions 20 and 24.

27. and 28. Q. Have the respectable and intelligent native inhabitants generally confidence in the purity of the Company's courts and the accuracy of their decisions: and have the native community confidence in the integrity of the subordinate judicial officers?

A. Whilst such evils exist as I have above noticed, in my reply to Queries 5, 6, and 7, as well as to Queries 20 and 24, the respectable and intelligent native inhabitants cannot be expected to have confidence in the general operation of the judicial system.

29. Q. Are the judges influenced in their decision by their native officers?

A. Those who are not well versed in the native languages, and in the regulations of government, must necessarily be very much dependent on their native officers, as well as those who dislike to undergo the fatigue and restraint of business, which to Europeans is still more irksome in the sultry climate of India.

30. Q. Can you suggest any mode of removing the several defects you have pointed out in judicial system?

A. As European judges in India are not generally expected to discharge judicial duties satisfactorily, independent of native assistance, from not possessing a thorough knowledge of the languages, manners, customs, habits, and practices of the people, and as the natives who possess this knowledge have been long accustomed to subordination and indifferent treatment, and consequently

have not the power of commanding respect from others, unless joined by Europeans, the only remedy which exists, is to combine the knowledge and experience of the native with the dignity and firmness of the European. This principle has been virtually acted upon and reduced to practice since 1793, though in an imperfect manner, in the constitution of the courts of circuit, in which the Mufti (native assessor), has a voice with the judge in the decision of every cause, having a seat with him on the bench. This arrangement has tolerably well answered the purpose of government, which has not been able to devise a better system in a matter of such importance as the decision of questions of life and death, during the space of forty years though it has been continually altering the systems in other branches. It is my humble opinion, therefore, that the appointment of such native assessors should be reduced to a regular system in the civil courts. They should be appointed by government for life, at the recommendation of the Sudder Dewany Adawlut, which should select them carefully, with a view to their character and qualifications, and allow them to hold their situations during life and good behaviour, on a salary of from 300 to 400 rupees per mensem. They should be responsible to the government as well as to the public for their decisions, in the same manner as the European judges, and correspond directly with the judicial secretary. A casting voice should be allowed to the European judge, in appointing the native officers, in case of difference of opinion; the native assessor, however, having a right to record his dissent. These assessors should be selected out of those natives who have been already employed for a period of not less than five years as assessors (Mufti), lawyers (Zillah court Maulavis), or as the head native officers in the judicial department.<sup>1</sup>

Par. 2. This measure would remove the evils pointed out in the answers to Q. 5 and Q. 7, Nos. 1, 2 and 3, and also afford a partial remedy to the evils noticed in Nos. 5, 6 and 8 of Answer 7, as well as provide against the evils referred to in answer to Query 24.

Par. 3. In order, however, to render the administration of justice efficient and as perfect as human efforts can make it, and to remove the possibility of any undue influence which a native assessor might attempt to exercise on the bench under a European judge of insufficient capacity, as well as to do away the vexatious delays and grievous suffering attending appeals, it is necessary

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<sup>1</sup> The native judicial officers are generally versed in Persian, and therefore the proceedings hitherto generally held in that language would be familiar to them.



to have recourse to trial by jury, as being the only effectual check against corruption, which, from the force of inveterate habit and the contagion of example, has become so notoriously prevalent in India. This measure would be an additional remedy to the evils mentioned in the reply to Queries 5 and 7, Nos. 1, 2, 3 and 5, 6, 8 and also in the replies to Query 4, Nos. 2 and 3, as well as in Query 24.

Par. 4. With a view to remove the evils arising from want of publicity of the Regulations, as noticed in No. 7 of Answer to Query 7, two or three copies in each of the principal native languages used in that part of the country should be kept in a building in the populous quarter of the town, under the charge of a keeper on a small salary, and all persons should be freely admitted to read and copy them at leisure from sunrise to sunset. The expense of this would not amount to two pounds a month for each station, and the benefits of it would be incalculable.

Par. 5. In order to remedy the evils arising from the distance of the courts as noticed at Question 4, Answer No. 1, I beg to suggest as follows: The Sudder Ameens, or superior commissioners for the decision of causes under 500 rupees, affecting moveable or immoveable property, are at present stationed at the same place where the Zillah judge holds his court, and complaints are at first laid before the judge, who turns them over to one of these commissioners at his own discretion; consequently they afford no remedy for the great distance of the courts from many under their jurisdictions, as this often embraces a circle of 60 or 80 miles. I therefore propose that these Sudder Ameens should be stationed at proportionate distances in different parts of the district, so that suitors may not have to travel far from their homes to file their bills and afterwards to seek and obtain justice; and that one of the assistants of the judge should be stationed in a central position which might enable him (without any additional charge to government as I shall hereafter show) to visit and personally superintend these Ameens, when the judge's station is on or near the border of his district. If it is otherwise situated, one of the assistants of the judge may remain at the head station with the judge, and superintend the commissioners nearest to him, while another assistant being stationed at an appropriate distance, may superintend those who are more remotely situated from the first assistant. There will thus be as complete a check over them as under the present system, and justice will be brought home to the doors of a great majority of the inhabitants of each district, since causes under 500 rupees are exceedingly numerous in every Zillah or City Court.

Par. 6. These assistants may, at the same time, be very usefully employed in checking the dreadfully increasing crime of forgery, by which the course of justice is now so very much impeded in the judicial courts. Written documents of a diametrically opposite nature are, as is well known, constantly laid before these courts, and serve to confound justice and perplex a conscientious bench. Therefore under the proposed system of assistant judges' courts in two different quarters of a district, I would recommend, as highly necessary and expedient to check materially the practice of forgery, that parties to any deed should be required, in order to render the same valid, to produce it in open court before the nearest assistant judge, within a certain number of days from the time of its execution. This rule should apply<sup>1</sup> to all sorts of deeds, contracts and agreements regarding property above 100 rupees in value, such as, wills and bills of sale, etc., and money bonds for debts payable at a certain period beyond six months, and upon receiving a fee of from one to two rupees, according to its importance, the assistant judge, after ascertaining the identity of the parties in open court, should immediately affix his signature as witness to the deed and retain a copy of the same in a book of record kept on purpose, duly authenticated and marked to prevent the possibility on interpolation, or any other species of fraud. The sum above allowed as a fee on registering, with a small fixed charge per page for retaining a copy, would be more than sufficient to remunerate any extra trouble attending the duty and the labour of transcribing. To induce the proprietors of land and other respectable persons to appear without reluctance in open court on such occasions, they should be invariably treated with the respect due to their rank. Further to encourage the public to have papers registered, and to satisfy the government that no improper delay takes place in registering them, as well as to prevent the copyists from extorting perquisites, a book should be kept in which the party presenting a paper should in open court enter a memorandum of the day and hour on which he presented it for registration, and of the day and hour when it was produced and returned to him. This system would materially remedy the evil referred to in answer to Q. 7, No. 6.

Par. 7. The assistant judges should also receive appeals from the Sudder, Ameens, and try them in conjunction with a native assessor appointed by the Sudder Dewany Adawlut, on a salary smaller than that of the judges' assessor, that is, perhaps

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<sup>1</sup> By Regulation XXXVI of 1793, the registering of deeds is authorised, but left to the option of the parties.

not exceeding 200 rupees a month. In the event of difference of opinion between the assessor and the assistant judge on any case, it should be appealable to the Zillah judge, whose decision should be final; and as the Sudder Ameens are now paid from the duties on the stamps used and the fees received on the papers filed, so the assistant judge's assessor may be paid in the same manner from the fees and stamps imposed on the appeal causes.

Par. 8. The assistant judge, though not empowered to interfere with the police officers of the interior in the discharge of their duties, should notwithstanding be authorised to receive written complaints of any abuse of their power from persons who feel themselves oppressed by the police, and to forward the same to the head magistrate of the district for his investigation; as very often the poor villagers or peasants are oppressed by the local police officers, but despair of any relief, from being unable to leave their homes and travel to a distance to the station to seek redress.

31. Q. Is trial by jury (or any thing resembling it) resorted to at present in any case?

A. The principle of juries under certain modifications has from the most remote periods been well understood in this country under the name of Punchayet.

32. Q. What is the difference between the jury system and the Punchayet?

A. The Punchayet exists on a very defective plan at present, because the jurors (members of the Punchayet) are not regular in their meetings, have no power to compel the attendance of witnesses, unless by appealing to the court; they have no judge to preside at their meetings and direct their proceedings, and are not guarded in any manner from partiality or private influence. They are in fact at present only arbitrators appointed by the court with consent of the parties in a cause, each party nominating one arbitrator and the judge a third; and sometimes both parties agree to refer the decision of the case to one arbitrator.

33. Q. Why and when was the Punchayet system discouraged?

A. It has not been totally discouraged, but rather placed on a different footing. In former days it was much more important in its functions. It was resorted to by parties at their own option, or by the heads of tribes, who assumed the right of investigation and decision of differences; or by the government, which handed over causes to a Punchayet.

34. Q. Do you really think the introduction of any system of Jury trial or Punchayet would be beneficial?

A. Undoubtedly, as shewn by the 3rd Par. of my answer to Question 30. Since a Panchayet composed of the intelligent and respectable inhabitants, under the direction of a European judge to preserve order, and a native judge to guard against any private influence, is the only tribunal which can estimate properly the whole bearings of a case, with the validity of the documentary evidence, and the character of the witnesses, who could have little chance of imposing false testimony upon such a tribunal.

35. Q. Do you think it would be acceptable to the inhabitants?

A. As the Panchayet even in its present very imperfect form is still practised by the inhabitants, it would without doubt be much more so, were it reduced to a regular system, guarded by proper checks, and dignified by judicial forms, which would inspire the whole community with higher respect and confidence for this ancient institution. But whatever length its popularity may go, it is the only system by which the present abuses consisting of perjury, forgery, and corruption can be removed.

36. Q. Will you explain, in detail, the modification of the Panchayet-jury system which you think best suited to the circumstances of the country?

A. I am of opinion that the Panchayet system should be adopted in conjunction with the plan above stated. (Q. 30). It would be easy to adapt it to the object in view, without imposing any heavy duty on the respectable portion of the native community. Three jurymen, or at most five, would, I conceive, answer the purpose as well as a greater number, and any Zillah (district) could easily supply a list from which these might be taken without inconvenience. Three times the number required for sitting on a trial should be summoned, and the persons actually to serve should be taken by lot, so that neither the judges nor the parties may be able to know beforehand what persons will sit on the trial of a cause. The general list of jurymen should be as numerous as the circumstances of the city or Zillah (district) will admit. It should be prepared by the European judge at the station, and altered and amended by him from time to time as may seem proper and requisite. He may easily select well qualified juries from respectable and intelligent natives known to be versed in judicial subjects, who reside in considerable numbers at every station. A necessary concomitant to the introduction of jurymen will be the sole use of the vernacular dialect of the place to the exclusion of the Persian language in proceedings. Publicity should be as much fostered as possible,

and the jury should be kept apart and required to decide without separating, as in the English courts of law. In a trial thus conducted the resort to appeal will cease to be useful, and for the purposes of justice, need only be allowed where there is a difference of opinion betwixt the bench and the jury. For, where judge and jury are unanimous, an appeal would be more likely to produce injustice by vexatious expense and delay, than to rectify error on the part of the inferior court, and ought therefore to be prohibited.

37. Q. Do you think the natives of the country qualified to discharge judicial functions of this nature, and from what class would you select the jurors?

A. They are assuredly qualified, as I observed before, in answer to Query 19, and the jurors at present may be judiciously selected from retired pleaders (wakils) and retired judicial officers, from agents employed by private individuals to attend the court (mukhtars) who are generally well qualified, and from the other intelligent and respectable inhabitants as above observed (Answer to Qs. 30 and 36). To avoid any undue bias or partiality, both parties in a suit should have a right of objecting to any jurymen, who can be shown to have an interest in the cause, or particular connection with either party.

38. Q. Do you think the natives competent and eligible to all judicial situations, or only subordinate ones?

A. As many of them, even under the present manifold disadvantages, already discharge all the judicial functions, even the most arduous (see Q. 15), it will not be very difficult, I think, with proper management, to find qualified persons amongst the natives for any duty that may be assigned to them. Many, however, as in other countries, are only fit for subordinate situations.

39. Q. What advantage do you conceive this Panchayet-jury system would possess over the judicial system now established?

A. First, from the thorough knowledge of the native character possessed by such a tribunal, and of the language of the parties and witnesses, it would not be so liable to error in its decision. Secondly, the jury would be guarded from undue influence by the judge and his assessors. Thirdly, it would guard the assessor from the use of undue influence. Fourthly, it would secure the dispatch of business, and the prevention of delay, and of the need of appeals. The checking of perjury and forgery may also reasonably be hoped from it, besides many other advantages already pointed out.

40. Q. Are the provincial courts of appeal conducted on the same principles as the district courts to which you have referred?

A. As they are presided over by gentlemen of more experience and longer residence in the country, these courts are generally conducted with greater regularity.

41. Q. What is the nature of the difference existing between them?

A. Under the Bengal Presidency, in causes above 10,000 rupees, the action must be laid in the provincial court of appeal, and may be decided by one judge. This court takes cognizance also of any case of inferior amount below 10,000 rupees, which may be carried to it by appeal from the decision of or proceedings held by the judge of the city or district court, and from these provincial appeal courts, appeals can only be made to the Sudder Dewany Adawlut, the highest civil tribunal.

42. Q. Can you point out any defects in the Sudder Dewany Adawlut, and their remedies?

A. Government has always been very careful in its selection of judges for the Sudder Dewany Adawlut, both as regards their ability and integrity; and they are fully competent to remove any defects which may exist in the court over which they preside. It is, however, highly desirable that judges of the Sudder Dewany Adawlut should have the power of issuing the writ of habeas corpus, on seeing sufficient grounds for the exercise of this peculiar power, according to the practice of the English courts. But when the person imprisoned is situated at a greater distance from the Sudder courts than fifty miles, the judges of this court, to save useless expense, might direct one of the circuit judges, on whom they could best rely, to investigate the case, and report to them.

43. Q. What other duties are assigned to the judges of the provincial courts?

A. They are a medium of communication between the Sudder Dewany Adawlut and the inferior courts, and are also judges of circuit.

44. Q. How many provincial courts are there?

A. There are six provincial courts in the provinces attached to the Bengal Presidency, viz., that of Calcutta, Dhacca, Moorshedabad, Patna, Benares, and Bareilly.

45. Q. Are not the judges of the provincial courts still judges of circuit?

A. No: they were so formerly; but about two years ago the local government transferred the duties of judges of circuit

from them to the revenue commissioners.

46. Q. Does any inconvenience arise from making the revenue commissioners also judges of circuit?

A. Such a union of office is quite incompatible and injurious. The judge of circuit discharges duties of the highest importance, being invested with the power of life and death, and imprisonment during life in chains, the infliction of corporal punishment, and the confiscation of property. He is, besides, charged with the preservation of peace and good order in several extensive districts; and it is morally impossible, therefore, that he can fulfil the expectation of government and the public, if his attention be at the same time engrossed and distracted by political, commercial, or revenue transactions. In criminal suits, moreover, he labours under a peculiar disadvantage, not being assisted by a bar composed of persons of liberal education, or by a body of honest, intelligent and independent jurors. The former often proves of essential service to the bench in the king's court, by able expositions of the law as applicable to every case, by great acuteness in cross-examining witnesses, and in the detection of false evidence; while the importance of the jury is universally acknowledged.

Par. 2. Formerly, when the judges of the provincial courts of appeal did the duties of the circuit, one or two of them used to remain at the station, to attend to the necessary current business, while the others, (one, or sometimes two) were on circuit. But in the present system, the commissioner of revenue being also judge of circuit, when he goes on circuit, all references to him, by the collectors under his jurisdiction, often remain unanswered, and the most important matters in the revenue business are entirely suspended for months together. Although the former Mohammedan governments were subject to the charge of indifference about the administration of justice, they yet perceived the evils liable to arise from a union of revenue and judicial duties. No judge or judicial officer empowered to try capital crimes (as Cazees or Muftis) was ever suffered to become a collector of revenue.

Par. 3. The separation of these two offices has also been established by long practice under the British government, being one of the leading principles of the system introduced by Lord Cornwallis. Accordingly those young civilians who attached themselves to the revenue line of the service have advanced by successive steps in that line; while those again who preferred the judicial, have been in like manner continued and promoted through the different grades in that department of public duty.

Therefore, by overturning this system a gentleman may now be appointed to discharge the highest judicial duties, who never before tried the most trivial cause; and another to superintend the collectors of revenue, to whose duties he has been all this life a stranger. Mr. E. R. Barwell, Revenue Commissioner and Judge of Circuit of the 24-Pargunnahs, Baraset, Jessore and Burrisal, is an example of the former case; and Mr. H. Braddon, Revenue Commissioner and Judge of Circuit of Burdwan, Jungul Muhal, and Hooghly, is an instance of the latter.<sup>1</sup> ●

Par. 4. The remedy I beg to propose, without further expense attending the establishment, is to separate the duties between two distinct sets of officers, and double the jurisdiction of each. By this arrangement each gentleman discharging one class of duties would find them more easy and simple, though the field embraced was more extensive, and the expense would be the same as under the present system.

Par. 5. The duties of judges and magistrates are not so incompatible as those of the judges of circuit and the commissioners of revenue; but still separation of these duties is advisable on account of the great weight of the business in the Zillah and city courts. Therefore these two offices (the office of judge and that of magistrate) should be exercised by different individuals. However, the magistrates should assist the judges in the execution of their decrees or orders as they have hitherto done in those districts where the offices of judge and magistrate are separate.

47. Q. What delay generally takes place in the decision of causes?

A. In the Zillah courts a cause may be pending on an average about two or three years; in the courts of appeal four or five years, and in the Sudder Dewany Adawlut the same period. But if the property in dispute amount to the value of about 50,000 rupees, so as to admit of an appeal to the King-in-Council, the probable period of delay in the decision of such an appeal is better known to the authorities here than to myself.

48. Q. What is the cause of such delay?

A. It must be acknowledged that irregularity in attending the discharge of the judicial duties, and the want of proper discipline or control over the judicial officers are the main causes of obstruction in the dispatch of the judicial business; and these daily growing evils in every branch of the judicial establishment have, in a great measure, defeated the object which the government had in view in establishing it. For example, a bill of complaint written on stamp, the first paper in a suit, cannot

<sup>1</sup> Vide the Directories containing the list of civil servants in Bengal.



easily be got on the file unless it be accompanied with some perquisite to the native recorder, whose duty it is to ascertain, first, whether the sum in dispute correspond with the value of the stamp, an act which may be accomplished in a minute or a week, just as it suits the inclination of the examiner. The case is the same with respect to the issuing of the summonses prepared by another native officer, to command the attendance of the persons sued, either in person or by a pleader to put in his answer. Summonses, subpoenas, and the processes of the provincial courts are issued against individuals through the judge of the district in which they reside, and a certain period is always allowed for serving these processes; but neither are the Zillah judges, whose time is otherwise fully occupied, punctual in observing those subordinate duties, nor does the higher court, which is occupied by other important business, take any early notice of the expiration of the time allowed for making the return. The parties are therefore obliged to cultivate a friendly understanding not only with the officers of the provincial court, but also with those of the Zillah or city court. Whether the defendant attends immediately or long after the time allowed him, or whether he files his answer within the regular prescribed period, or a year afterwards, is treated as if practically immaterial. But delay unintentionally allowed to the parties in filing the requisite papers and in producing their documents and witnesses, is the too frequent source of great abuses; as the opportunity thus afforded by delay is embraced to invent stories and forge documents in support of them, to procure false witnesses and to instruct them in the manner that appears best calculated to serve the purposes in view.

Par. 2. Moreover, some of the judges are very irregular in calling on causes, choosing any day and any time that suits their convenience to occupy the bench singly. The pleaders, being natives of the country, have little or no influence over the conduct of the judges to prevent such irregularities, and dare not hint dissatisfaction.

Par. 3. I would suggest, with a view to remove irregularities originating in a want of official control, without disregard to economy, that the head writer in each court be required to discharge this duty with some extra remuneration for the same, and be made strictly responsible under an adequate penalty, with proper sureties for his conduct, liable, jointly with him, for any fine he may incur, by want of punctuality proved against him by either party, on complaint to the judge of the court, or of a superior court, or to the judicial secretary.

Par. 4. This superintendent or clerk of the papers should be required to place on the file in open court bills of complaint as well as answers and replies, etc., within the period prescribed in Regulation IV of 1793. These should not be admitted to the records after the time allowed, unless the judge, on motion say a publicly made, find sufficient reason for prolonging the period, week or two in particular cases.

Par. 5. The clerk of the papers should vigilantly watch that no delay takes place in issuing summonses, subpoenas, and other process of the court; and that the day on which these are ordered to be issued, and the day on which their return is expected should be correctly registered in a separate book kept for the purpose.

Par. 6. In case of neglect or wilful disobedience, the superintendent of the papers should immediately submit the circumstance to the notice of the judge. Should the neglect be on the part of the prosecutor, the judge ought immediately to pronounce non-suit, and if on the part of the defendant, proceed *ex-parte* without allowing the neglect to be remedied. Or if the judge does not attend to these rules, the clerk of the papers should be bound to report the circumstance to the superior court, or the judicial secretary on pain of forfeiting his situation. A separate register of the returns should also be kept, as well as a register showing the time when the defendant's answer must be filed—say one month from the day when the summonses are served, as is the case with equity suits in Calcutta; also showing the hours during which the judge may attend on public duty, and likewise his occasional absence from court with the alleged cause thereof. The superintendent should transmit monthly a copy of each register, with his own remarks, to government through the secretary in the judicial department, for its particular attention to every breach of regularity therein mentioned.

Par. 7. With a view to the same end, every person who chooses should have a right to be present during the trial of causes in any court; the courts, as is generally the case at present, should be so constructed as to afford facilities for a considerable number of persons hearing and witnessing the whole proceedings: any one who chose should be entitled to make notes of the same and publish them, or cause them to be published, in any manner he may think proper for general information, subject to prosecution for intentional error or misrepresentation that might be judicially proved against him before a competent tribunal, and to incur such penalty as it might award. This measure would tend to remove the evil pointed out in

answer to Query 7, No. 4.

49. Q. What number of causes may be pending at one time, and undisposed of in the district courts and courts of appeal?

A. This depends partly on the comparative degree of industry and attention to business bestowed by the judicial officers, partly on the extent of the district, and amount of business within the jurisdiction of the respective courts. However the average number of causes pending may be ascertained by a reference to the registers kept, which are not at present accessible to me. My impression is that in some districts they are very numerous. But to show how much the vigilance and activity of a public officer may accomplish, even in so extensive a district as Hooghly, I may mention that there, under Mr. D. C. Smith, every case is decided in the course of four, five or six months. In the courts of appeal the causes pending are very numerous. Conscientious and active as Mr. Smith is, he is often obliged, from the pressure of business, judicial and magisterial, to authorise his native judicial officers to take the depositions of witnesses in the civil suits.

50. Q. Could the number of appeal cases be reduced without any disadvantage?

A. Yes, certainly not only without disadvantage but with great positive advantage. Ist, by introducing a more regular system of filing papers and bringing on causes, as above suggested, in answer to Q. 48. 2nd, by the aid of a jury and joint native judge, as proposed in reply to Q. 30. 3rd, by allowing of no appeal unless when there is a difference of opinion in the Zillah or city court in giving sentence, as noticed in reply to Query 36. By these means the business would be at once conducted with more accuracy; so many litigious suits would not occur; and there would be very little need of appeals to revise the decisions.

51. Q. Has the right of appeal to the King-in-Council proved beneficial or otherwise?

A. Owing to the vast distance, the heavy expense, and the very great delay which an appeal to England necessarily involves, owing also to the inaccuracies in the translations of the papers prepared after decision and sent to this country, and to other causes, I think the right of appeal to the King-in-Council is a great source of evil and must continue to be so, unless a specific court of appeal be created here expressly for Indian appeal causes above £ 10,000. At the same time to remove the inaccuracies above noticed, three qualified persons (a European, a Mussalman, and a Hindu) should be nominated

joint translators, and the translations should be furnished within one year from the conclusion of the proceedings in India, and both parties should be allowed to examine the accuracy of the translations thus prepared.<sup>1</sup> But if the appellant neglects to pay the fees of translation within two months after the decision, the appeal should be quashed.

52. Q. What is the nature of the duties assigned to the revenue commissioners?

A. They exercise a general superintendence and control over the revenue collectors, with powers similar to those vested in the board at Calcutta, formerly called the board of revenue, and in the board of commissioners for the upper provinces. That board at Calcutta is now the superior authority to which an appeal may be made from the decisions of the present commissioners, (it is in consequence now generally termed the Sudder or supreme board), and thence to the government itself. In other words the office of commissioner is a substitute for the board of revenue, but an appeal being allowed from the one to the other, of course there is abundance of appeals, and a great part of the business is thus transacted twice or thrice over.

53. Q. What is the nature of the duties assigned to them as judges of the circuit?

A. As judges of circuit they exercise control over the magistrates and try the higher classes of criminal causes, which involve a question of life or death, or to the Sudder Nizamut Adawlut, the highest criminal tribunal.

54. Q. Does not the discharge of one class of duties interfere with the discharge of another class, which seems to be of a very different nature?

A. As above noticed (Ans. to Q. 46), while they are engaged in the duties of their circuit court, the reports and references from the revenue collectors must remain for several months unanswered; and not only do the people suffer in consequence, but the public business stagnates, as already observed.

55. and 56. Q. What is the nature of the functions of the judge of circuit, and his native law assessor? Do they afford

<sup>1</sup> In noticing this circumstance, I by no means intend to make the least insinuation to the prejudice of the present translators: but make the statement from my own observation of various translations, and my own experience of the great difficulty or rather impracticability, of rendering accurately large masses of documents from an oriental tongue, and frequently a provincial dialect, into a European language, of which the idioms are so widely different, unless the translator be assisted by persons possessing peculiar vernacular knowledge of the various localities.

each other reciprocal assistance in the discharge of their duties?

A. Both take cognizance of the charges brought before the magistrates and sent to their court; both hear the evidence and examine the witnesses, and both give their voice in passing the decisions, as I observed in Part Ist. of my Ans. to Q. 30. In a vague sense the Mohammedan law assessor may be considered as analogous to the jury in English courts, while the European judicial officer is the judge.

57. Q. Are the judges generally competent to the discharge of their duties?

A. Some of them are highly qualified; but it is not expected that European judges should be generally competent to determine difficult questions of evidence among a people whose language, feelings, and habits of thinking and acting are so totally different from their own.

58. Q. Are the native law assessors generally competent?

A. They are generally so: some of the Muftis (Mussulman law assessors) are men of such high honour and integrity, that they may be entrusted with the power of a jury with perfect safety; and they are all of the most essential utility, and indeed the main instrument for expediting the business of the criminal courts. However highly or moderately qualified the European judges may have been, the business has been advantageously conducted through the assistance and co-operation of these Mohammedan assessors for a period of 40 years past.

59. Q. If they should differ in opinion, what course is adopted?

A. The case is then referred to the Nizamut Adawlut (the highest criminal tribunal).

60. Q. What course do the judges of the Nizamut Adawlut adopt?

A. If the judge of the supreme criminal court, before whom the referred case comes, should, after consulting with the Muftis of that court, concur in the opinion of the circuit judge, his decision is confirmed and carried into execution. But should the Sudder Nizamut (supreme criminal) judge differ from the opinion of the circuit judge, the case is then submitted to a second, or if necessary, to a third Sudder Nizamut judge, and the opinion given by two Sudder judges against one, is final.

61. Are the judges of the supreme criminal court also judges of the highest civil court?

A. Yes, very deservedly.

62. Q. Are they generally competent to the discharge of their duties?

A. I have already observed (Q. 42) that they are highly competent.

63. Q. As it is of the highest importance that the courts of circuit should be above all corruption; can you suggest any means of improving them?

A. Courts which have the disposal of life and death are undoubtedly of very high importance; and I would therefore propose instead of only one law assessor (who stands in place of a jury) that three or five (at least three) law assessors should be attached to each court, while trials are going on.

64. Q. From what class of men would you select the juries in the criminal courts?

A. The criminal law now established in India has been very judiciously founded on the Mohammedan criminal law. It has however been so greatly modified by the acts of government from time to time since 1703, that it, in fact, constitutes a new system of law, consisting partly of its original basis, and partly of the government regulations. But it has been made a regular study only by the respectable Mohammedans, who, when they attain a certain proficiency, are styled Maulvies, a term equivalent to Doctors of Law. Formerly two of these were attached to each court of circuit, and one to each district court. Of late the office of Maulvi of circuit having been abolished, the Maulvi or Mufti of the Zillah (district) court has been ordered by government to officiate as Mufti of circuit while the judge of circuit is engaged in the trial of the criminal causes of that district. Thus he alone, as assessor of the judge of circuit, is entrusted with the powers usually assigned to a jury in a British court; having the power of delivering his opinion on every case at the close of the trial.

Par. 2. With a view to lessening the abuse of the great power thus given, it is highly desirable that government should adopt the following precaution: The judge of circuit previous to his departure for any Zillah (district) or city or try criminal causes, should summon, through the magistrate, one or two additional Maulvis attached to the adjacent courts, with a few other learned, intelligent and respectable inhabitants of the district or city, to join him on his arrival with a moderate extra allowance for their services, and every morning before he takes his seat on the bench, the judge should, without previous intimation, direct three of them to sit with him during the whole trials that may come on for that day as his law assessors and they should be required to deliver their opinions in each case in open court, immediately after the close of the proceedings, without previous opportunity of com-

municating with any one whatsoever, on the same principle as an English jury: and the judge should immediately inform the parties of the verdict, to put an end to all intrigues. The judge of circuit should also be required to keep a vigilant watch over the proceedings of the magistrates within his jurisdiction, and to institute an investigation personally and on the spot, into any complaint preferred against them, whenever he sees sufficient ground for adopting this prompt measures; and the judge of circuit only should have the power of inflicting corporal punishment; not any magistrate as injudiciously authorised by Regulation IX of 1807, Sec. 19th.

65. Q. What would be their duty? Precisely like that of a jury, or like that of the law assessors as hitherto employed?

A. More resembling that of the law assessors as hitherto employed. The difference between them is not important, and the result would be the same.

66. Q. Should not the jury be selected from persons of all religious sects and divisions?

A. Since the criminal law has hitherto been administered by the Mohammedans; to conciliate this class, the assessors should still be selected from among them, until the other classes may have acquired the same qualifications, and the Mohammedans may become reconciled to co-operate with them.

67. Q. Do you think any alteration necessary in the system of criminal laws now established?

A. As the criminal laws now established are already in general very familiar to the natives, I think they may better remain in their present state, until the government may be able to introduce a regular code.

68. Q. In what manner do you think a code of criminal law should be framed suitable to the wants of the country?

A. A code of criminal law for India should be founded as far as possible on the principles which are common to, and acknowledged by all the different sects and tribes inhabiting the country. It ought to be simple in its principles, clear in its arrangement, and precise in its definitions; so that it may be established as a standard of criminal justice in itself, and not stand in need of explanation by a reference to any other books of authority, either Mohammedan or Christian. It is a subject of general complaint that persons of a certain high rank, however profligate some of them may be, are, from political considerations, exempted from the jurisdiction or control of the courts of the law. To remedy this inconvenience, in the proposed code, so as to give general satisfaction without disregarding the political distinctions hitherto

observed, it may perhaps be expedient for government to order such persons to be tried by a special commission, composed of three or more persons of the same rank. This very regulation, when once known to them, would, in all probability, deter them from committing any very gross act of tyranny or outrage upon their dependants or others.

69. Q. What period of time would it take to frame such a code, and by whom could it be done satisfactorily?

A. It must require at least a couple of years to do it justice; and it ought to be drawn up by persons, thoroughly acquainted with Mohammedan and Hindu law, as well as the general principles of British law.

70. Q. Are the judges capable of regulating their proceedings by such a code of laws?

A. At present they are not generally capable of performing their judicial duties independent of the aid of the assessors; but with a proper code, as above supposed, they might, most of them, in no great period, by making it a regular study, become much more capable of administering justice by it than they are by the present system.

71, 72. Q. Would not the detention of the young civilians in England to obtain a regular legal education be injurious by delaying their proceeding to India for several years, at that period of life, when they are best capable to acquire the native languages? Do you conceive that any disadvantages arise from civilians going out at an early age?

A. This is a subject which merits the deepest consideration of the legislature. Young men sent out at an early age, before, their principles are fixed, or their education fully matured, with the prospect of the highest power, authority, and influence before them, occupying already the first rank in society immediately on their arrival, and often without the presence of any parent, or mere relative to advise, guide or check them, and surrounded by persons ready, in the hope of future favours and patronage, to flatter their vanity and supply money to almost any extent to their too easily excitable passions—are evidently placed in the situation calculated to plunge them into many errors, make them overstep the bounds of duty to their fellow creatures and fellow subjects, and to relax whatever principles of virtues may have been implanted in their yet inexperienced minds. The excuse made for so injudicious an arrangement, that it is favourable to the acquisition of the native languages, is of no weight; for it may be observed that the missionaries, who are usually sent out at the age from 25 to 35 years, acquire generally in two or three



years so thorough a knowledge of these languages as to be able to converse freely in them and even to address a native audience with fluency in their own tongue. In fact the languages are easily acquired at a mature as well as at an immature age by free communication with the people. Moreover, by the system of native assessors, juries and others help to the judge and magistrates, and by the gradual substitution of English for Persian, as above proposed, so extensive and minute a knowledge of the native languages would not be requisite. In short, from the present system of sending out youths at so early an age, very serious evils arise to themselves, as well as to the government, and to the public. Ist, with respect to themselves, they are too often seduced into habits which prove ruinous to their health and to their fortunes, becoming thereby involved in debts from which many of them are never afterwards able to extricate themselves without having recourse to improper means. 2ndly, these embarrassments interfere very seriously with their duty to government and the public, as the persons to whom they are indebted generally surround them, and seize every opportunity of enriching themselves which their situation and influence put in their way. 3rdly, their indiscreet choice of native officers from youthful partialities, and the thoughtless habits acquired in early days, amid power and influence, prove very injurious to the community. Therefore no civil servant should be sent to India under 24 or at least 22 years of age, and no candidate among them should be admitted into the judicial line of the service, unless he can produce a certificate from a professor of English law to prove that he possesses a competent knowledge of it. Because, though he is not to administer law, his proficiency therein will be a proof of his capacity for legal studies and judicial duties, and a knowledge of the principles of jurisprudence as developed in one system of law will enable him to acquire more readily any other system; just as the study of the ancient and dead languages improves our knowledge of modern tongues. This is so important, that no public authority should have the power of violating the rule, by admitting to the exercise of judicial functions any one who has not been brought up a lawyer.

73. Q. How are the laws of inheritance regulated?

A. The property of Mohammedans descends and is divided according to their own law of inheritance; and the property of Hindus according to theirs; and of other sects also agreeably to their respective laws of inheritance.

74. Q. What books do the Hindu lawyers officially attached to the courts follow as law authorities?

A. There are various books, but in Bengal they chiefly follow the *Dayabhaga*, with occasional reference to other authorities; and in the western province, and a great part of the Dakhan they follow the *Mitakshra* principally.

75. Q. What books do the Mohammedan lawyers follow as authorities?

A. The majority of the Mussalmans of Hindustan follow the doctrines of Abu Hanifah and his disciples; consequently the *Hidya* is their chief law authority; but they also refer to some other books of decision or cases such as the *Fatwæ Alamgiri* and others.

76. Q. Is there any mode by which the law authorities, now so voluminous and perplexing, might be simplified in such a manner as to prevent the native lawyers from misleading the courts, and confounding the rights or property?

A. To effect this great and pre-eminently important object, a code of civil law should be formed on similar principles to those already suggested for the criminal code, and this, as well as the former, should be accurately translated, and published under the authority of government. By printing off large impressions, and distributing them, at prime cost, in the current languages of the people, they might render the rights of property secure; since, these being clear and well-known to the whole community, it would be impossible for any designing man to induce an intelligent person to enter upon litigious suits. The law of inheritance should, of course, remain as at present with modifications peculiar to the different sects, until by the diffusion of intelligence the whole community may be prepared to adopt one uniform system. At present when a new regulation, drawn up by any officer of government and submitted to it, is approved of, it immediately becomes law when promulgated, the same as an act of parliament in this country, when approved of, discussed, and sanctioned by king, lords and commons. From the want of sufficient local knowledge and experience on the part of the framers of such regulations, they are often found not to answer in practice, and the local government is thus frequently obliged to rescind the whole or part of them. I would therefore suggest that if any new regulation be thought necessary before the completion of the civil and criminal codes above proposed, great care and precaution should be observed in its enactment. With this view every such project of law before it is finally adopted by the government, should be printed and a copy sent directly from government, not only to the judges of the Sudder Dewany Adawlut, and the members of the Board of Revenue, etc. but also to the advocate-general on the part of the Honourable Company, to the principal Zamindars,

such as the Rajahs of Burdwan, Behar, Benares, etc., and to the highly respectable merchants such as Jaggat Set at Murshedabad, Baboo Baijnath at Patna, and the representatives of Baboo Manhar Dass at Benares, also to the Muftis of the Sudder Dewany Adawlut, and the head native officers of the Boards of Revenue, for their opinion on each clause of the regulation to be sent in writing within a certain period. Because these being the persons who are affected by the regulations, they will be cautious of recommending any that is injurious<sup>1</sup>. It should still be optional, however, with government to be guided or not by their suggestions. But a copy of the minutes made by the different parties above named should accompany the regulations, when these are to be transmitted to England for the consideration of the Court of Directors, and parliament; and there should be a standing committee of the House of Commons, to take the whole regulations and minutes into consideration, and report to the House from time to time on the subject, for their confirmation or amendment.

In such matters as those of war and peace, it may be necessary that the local government should act on its own discretion and responsibility according to existing circumstances, notwithstanding the opinion of the government in England. But as the affairs of India have been known to the authorities in Europe, for such a series of years, in matters of legislation, the local government should be bound to carry into effect any regulations or order in judicial and revenue matters sent out, formally enacted by the British government, or the Court of Directors under the express sanction of the Board of Commissioners for the control of the affairs of India, although the local government might still remonstrate against them to the home authorities.

The attention thus shown by the government at home and abroad, to the feelings and interests of the Zamindars, and merchants, as principal members of the community, though it would not confer upon them any political power, would give them an interest in the government, and inspire them with greater attachment to it, and also the whole community, as being under their influence, and in general receiving its opinions from them.

77. Q. Should the civil servants, in the judicial and revenue departments, be educated expressly for the particular line of the service in which they are engaged, or is it advantageous to transfer them from one branch of it to another?

A. It is found by experience that persons, by long habit

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<sup>1</sup> In the case of those parties who do not understand English, the draft regulations, when sent to them, should be accompanied with a translation.

in the performance of any particular duties, become not only more dexterous in but more reconciled and even attached to them, and find them less irksome than others to which they have not been accustomed. In my humble opinion, the duties of a judge are not inferior in difficulty to those of any other profession whatever, nor is the qualification requisite for them to be acquired with less experience. It has been alleged that the revenue officers, when converted into judicial officers, must be better judges of revenue causes. But on this principle, commercial officers ought to become judges for the sake of commercial causes, agriculturists for agricultural causes, and mechanists for mechanical disputes. However, as matters of revenue, commerce, agriculture, etc., are decided on the general principles of law and justice, any such special preparation has never been found necessary: therefore these two classes of duties should be kept quite distinct, if it is wished that either of them be performed well.

78. Q. Can you offer any other suggestions for the improvement of the Judicial establishment?

A. Firstly. In order to keep the judicial officers above temptation, their salaries should not be reduced. 2ndly. With the additional aids and checks of joint native judges, assessors, and juries above proposed, (Ans. to Q. 30) all civil courts of appeal may be dispensed with, except the supreme civil court (Sudder Dewany Adawlut), and thus a very considerable saving may be effected by the government. One tenth of this saving will suffice to support all the native assessors, juries, etc., above recommended (Q. 30). 3rdly. By gradually introducing the natives into the revenue departments under the superintendence of European officers, (as I proposed in my Appendix A, on the revenue system), and in the judicial department in co-operation with them, the natives may become attached to the present system of government, so that it may become consolidated, and maintain itself by the influence of the intelligent and respectable classes of the inhabitants, and by the general good—will of the people, and not any longer stand isolated in the midst of its subjects, supporting itself merely by the exertion of superior force.

Par. 2. Should the gradual introduction of the natives into places of authority and trust as proposed, be found, not to answer the expectations of government, it would then have the power of stopping their further advancement, or even of reversing what might have been already done in their favour. On the contrary, should the proposed plan of combining native with European officers have the effect of improving the conditions of the inhabitants and of stimulating them with an ambition to deserve the

confidence of the government, it will then be enabled to form a judgement of the practicability and expedience of advancing natives of respectability and talent to still higher situations of trust and dignity in the state, either in conjunction with or separately from their British fellow subjects.

Par. 3. In conclusion, I deem it proper to state, that in preparing my replies to these queries, I have not been biassed by the opinions of any individual whatsoever; nor have I consulted with any person or even referred to any work which treats on the subject of India. I have for the facts consulted only my own recollections; and in regard to the opinions expressed, I have been guided only by my conscience, and by the impressions left on my mind by long experience and reflection. In the improvements which I have ventured to suggest, I have kept in view equally the interests of the governors and the governed; and without losing sight of a just regard to economy, I have been actuated by a desire to see the administration of justice in India placed on a solid and permanent foundation.

LONDON

September 19, 1831

(Signed) RAMMOHUN ROY

## Grant's Jury Bill

REMARKS OF RAMMOHUN ROY IN ANSWER TO THE OBJECTIONS  
RAISED BY THE COURT OF DIRECTORS AGAINST THE INTRODUCTION  
OF THE JURY BILL BY MR. GRANT

The East India Directors in their letter to the President of the India Board, dated the 8th December, 1831, point out several objections to the Bill proposed to be introduced into Parliament by the President, for rendering natives of India "eligible" to be appointed as Justices of Peace, and to sit on Grand Juries as well as Petit Juries.

### I. NATIVE JUSTICES OF THE PEACE

The Directors urge, 1st, that "it is not to be expected that they (the natives) will voluntarily sacrifice the time and expense which would be necessary to acquire an adequate knowledge of the English law books and acts of parliament, &c." to fit themselves for the office or 2ndly, "that they would undertake the duties of the office of unpaid magistrates when they found that they would hereby become liable to prosecution in the Supreme Court for any error or neglect of duty" (acts of omission as well as commission).

I regret that the Court of Directors should have overlooked the express language of the intended Bill, which is to render "Eligible" only, not to make acceptance of office compulsory on them. Persons who choose to qualify themselves by acquiring a competent knowledge of British law, and are willing to incur the responsibility, may be appointed by the government and those who might decline the labour or the risk would of course not be appointed. It imposes no hardship or difficulty on either party.

With respect, however, to their capability of acquiring the requisite legal knowledge, the Directors themselves entertain no doubt, as admitted a few lines further on, in the following words: "The Court do not question the intelligence and capacity of the natives." And although it may be easily shown by a reference to the lists of the former and present European justices of the peace under the local governments of the Directors, that many of them were, and still are, not possessed of an adequate knowledge of "the English law books and acts of parliament", yet I must refrain from quoting a bad precedent to justify

any other improper practice. But I cannot help observing that the Court of Directors are the last persons who should expect an "adequate knowledge of the English law books and acts of parliament" from those whom they wish to be appointed as judges and justices of the peace over the millions of their fellow subjects.

The third objection advanced by the Directors is that "they consider them (the natives) defective in many qualities, particularly firmness of character, which are so necessary to inspire confidence and so essential to enable them to discharge the duties of a justice of the peace with usefulness and credit."

I am at a loss to reconcile this vague and general charge of unfitness with the tenor of a preceding paragraph, in which the Directors state that "under existing regulations" (which, moreover (they add) may be modified or extended without any further legislative enactment) "the natives are invested with a considerable degree of authority in the ordinary functions of administering justice, collecting the revenue, and conducting the police and magisterial duties". How is it that persons deficient in "so many qualities" especially "firmness of character" have been entrusted with such important functions—judicial, fiscal and even magisterial? And what is the wide distinction between the latter and those of justices of the peace that makes persons who are fit for the one unfit for the other?

Fourthly, the Court object that the Bill would give natives "a direct cognizance of the conduct of Europeans" and that this would they apprehend "have an injurious effect in lowering the estimation of the European character." Yet the Court must know that such direct cognizance has already existed for many years, and one of the examples of it that may be mentioned, is well known to many European gentlemen now in England, viz., that even common police officers native *thanadars* of the boundary guard in Calcutta, are empowered to apprehend and arrest all Europeans high or low in rank, whom they find committing any disturbance,—a very common occurrence, which is thus amply provided for and remedied by native control. Has this coercion, at the very seat of the British Indian Empire, lowered the estimation of the European character, or impaired the British power in India?

## II. NATIVE JURORS

The Directors lastly, in a similar manner, start objections to the "Trial of Christian" by natives who are not Christians, as jurors. They say, "The Court had always considered that it was a principle of the law of England that there should be some

community of feeling between the jurors and the persons judged. But what community of feeling, interest or habitude", they ask, can, "an Englishman and a Christian" have with Hindus or Mussulmen (meaning Mussulmans). "The idea" (they add) "of being tried by Hindu or Mussulman jurors must be intolerable to every Englishman".

Do the Directors mean to say that Englishmen are the only Christians in India, or do they not know that the British inhabitants form but a small portion of the professors of Christianity? Is it from want of information that they state the question as if it referred to Englishmen alone, or is it from an unwillingness to view it fairly and candidly? Have they never heard of the native Portuguese Christians, the numerous descendants of the early settlers in the East? Of the Syrian Christians in the South of India? Of the mixed offspring of European and natives becoming every day more numerous; not to mention the late converts of the Missionaries? Therefore, it is by no means the English residents only whom the Directors wish to exempt from the ordinary operation of the law in the Trial by Jury. Under the term "Christian" in India is comprehended not only the comparatively very limited European community, but all the various races of men above noticed, however faint or imperfect may be the traces of religion which they retain, and however discordant their views in points of faith as Protestants, Catholics, etc., and under the present system of all these by merely professing a kind of Christianity, may acquire the right of trying the great body of Hindu and Mohammedan inhabitants, whatever their rank or respectability, who adhere to religion of their forefathers.

If the Hindus and Mussulmans are to be excluded from acting as jurors on the trial of Christians on account of their want of community of feeling with them, the same objection applies to Christians acting as jurors on the trial of Hindus and Mussalmans. The principle is the same in both cases and justice knows no respect of persons.

If it be supposed the religious animosity may exist between opposite sects living together, and that the Hindus and Mussalmans would be actuated by this feeling in the trial of Christians, it is evident that the same objection would apply to the native Portuguese and other Christians sitting on the trial of Hindus and Mussulmans. But such apprehensions are entirely groundless, there being no country in the world in which as yet, the spirit of religious toleration is so prevalent as in India and it is well known that the native muftis (first appointed by Lord



Cornwallis in 1793 to the office of assessors to the judges of circuit, in which capacity they pass verdicts in questions of life and deaths, etc.; affecting the Hindu and Mohammedan and native Christian population generally) have exercised this power for a period of forty years, in a manner so satisfactory that the government amid innumerable other alterations has never changed this part of its judicial system. If any charge of religious partiality had ever been established against the native assessors who, in fact, exercise the functions of jurors, the government could not, of course, conscientiously have continued them in the exercise of these important duties.

It lies with every government to establish and preserve a community of feeling, interest, and habitude, among the various classes of its subjects, by treating them all as one great family, without showing an invidious preference to any particular tribe or sect, but giving fair and equal encouragement to the worthy and intelligent under whatever denomination they may be found. But by pursuing a contrary plan, for "community of feeling", will of course be substituted "religious jealousy," for community of interest, a spirit of domination or ascendancy "on the one hand, of hatred and revenge on the other, and lastly, for community of habitude" will be established a broad line of demarcation and separation even in conducting public business.

I am quite at a loss to conceive why the Court of Directors instead of endeavouring to conciliate the affections of the millions of British subjects in India, should on the contrary, pass laws calculated to stir up a spirit of religious intolerance, in a now harmonious though mixed community, and to revolt the feelings of the most numerous classes of it, particularly the intelligent among the rising generation.

No statesman will, I think, consider such a distinction favourable to the conversion of the natives of India to Christianity; since it renders the privation of civil right to particular sects a species of religious persecution, which those subjected to it may glory in suffering for conscience sake, and therefore, adhere to their peculiar creeds, however, erroneous, with great obstinacy as a point of honour as well as a matter of faith; since a change might subject them to a suspicion of being actuated by a desire to gain civil privileges.

While no such invidious distinctions existed between different religious sects the natives of India were disposed to place confidence in the disposition of the government to act with justice and impartiality in protecting all classes of its subjects; they

made no complaint on account of their exclusion from political power, and they were ever disposed to forget that their rulers were foreigners of a different country and religion from themselves. This fact however is now painfully obtruded on their attention by the daily operation of the laws themselves as established by the 7th Geo. IV. Cap. 37, S. 3, which has consequently excited more discontent among the intelligent part of the natives than even their total exclusion from the exercise of political rights, as fully proved by their petitions to Parliament on the subject.<sup>1</sup>

RAMMOHUN ROY

### Extracts from a Letter on Grant's Jury Bill\*

By the *Zenobia* we have been favoured from our esteemed countryman in England with a letter, from which we make the following extracts.

"I lately sent you two dispatches by the ships *Georgiana* and *Roxburgh Castle*, and now lose no time in informing you that the East India Juries and Justices Bill has passed into a law, (on the 16th instant), notwithstanding strenuous opposition on the part of the Company and some of their servants. The natives of India are indebted only to Mr. Charles Grant, President of the Board of Control for this just and liberal measure, which must have the effect of raising them morally and politically. Both the Hindus and Mussulmans are now entitled, equally with Christians, to serve as Justices of the Peace as well as to sit on both Grand and Petty Juries. No longer can a spirit of religious rancour find its way into India. Now, I beg you to recollect how much despair was expressed when we were preparing the petition to Parliament five or six years ago, praying for the removal of religious distinctions contained in Mr. Wynn's act. Even in one of your letters received by me sometime ago, you intimated that 'there was no use in petitioning Parliament and seeking justice for the natives of India, since only a few speeches are made on presenting the petition, then the subject drops.' I fully admit that you were perfectly right as regards the nature and character of the former Government and Parliament. The case is now, however, very much altered. The present government seems very liberal, and the voice of the mighty people of England grows every day stronger in proportion to the growth of their intelligence. I must at the same time confess that the

<sup>1</sup> *India Gazette*, January 28, 1833

\* *Reformer* quoted by *India Gazette*, January 22, 1833

progress we have made in India as to knowledge or politics, is by no means equal to that made here by the English; I therefore beg to observe that moderation and prudence should not be lost sight of by our countrymen. We should not be too hasty and too sanguine in raising our condition, since gradual improvements are most durable.

“Though it is impossible for a thinking man not to feel the evils of political subjection and dependence on a foreign people, yet when we reflect on the advantages which we have derived and may hope to derive from our connection with the Great Britain, we may be reconciled to the present state of things which promises permanent benefits to our posterity. Besides security from foreign invaders and internal plunderers, let us ask ourselves, whether we could have rescued ourselves from the stigma of female murder (Suttee burning) but for the English? Whether we could otherwise have obtained the power of equalizing ourselves with the rulers of the country in regard not only to civil but to criminal jurisprudence?

“To show what opposition was made by the Company and their servants, and how Mr. Grant successfully combated them, I enclose herewith a printed copy of the correspondence between him and the Court of Directors. This suffices to show the character and disposition of these men towards the natives of India. All the Directors (except Major Carval and Mr. John Forbes) concurred in opposing Mr. Grant; and not content with this, they stirred up the Editor of the Morning Chronicle (a friend of Mr. Mill, one of the Directors) to attack the Bill and the author of it in his journal, in order to prejudice the British public against it, (as will be seen by the accompanying number of that paper, dated July 24). This having failed, they got a number of their servants and connections to propose a petition against it at the Oriental Club, to be presented to the House of Lords.”

“P.S.—The subject of Lakheraj (Regulation III, 1828) will be soon brought to the notice of the authorities here, and I will lose no time in informing you of the result.

“In continuation of my letter of yesterday I now enclose the copy of the petition therein referred to, which was presented to the House of Lords by the Company’s connections here and which bears only 34 signatures, after a whole month’s exertions. It is nevertheless gratifying to observe, that of hundreds of servants and connections of the Company, only 34 have shown opposition to the improvement of the natives of India, and these 34 are not persons whose opinions would carry any weight in this

country; while a numerous class of persons of high respectability are favourably disposed or at least not avowedly opposed, to the interests of the natives of India."

There is one point in these extracts deserving of attention. We mean the remark on the small number of friends which the Court of Directors could muster to oppose the excellent exertions of Mr. C. Grant. This circumstance is in itself a proof of the imbecility of directorial efforts when opposed to popular measures. England is now arrived at that degree of civilization which places the reign of opinion on a permanent basis. Nothing that is not consonant to justice can succeed, and the friends of monopoly had better cease to oppose such measures than expose their illiberal but imbecile attempts to failure and merited contempt.

Our countrymen suggests the propriety of giving some public token of our sense of gratitude to Lords Grey and Brougham, Mr. Charles Grant and other friends of Reform and of India. We are fully convinced of the necessity of such a step, and would have forthwith suggested some feasible plan for carrying this design into execution, but for the gloom which of late has been cast on the spirits of every one, in consequence of the recent failures. It is not the time to meet for the purpose of congratulation and rejoicing when we behold some of the best friends of India and of the natives involved in ruin and distress. We must wait until time which wears away the sad remembrance of past misfortunes permit us to rejoice without a mingled feeling of joy and sorrow. We shall not forget the subject, but agitate it so soon as fit opportunity offers.

## Revenue System of India

### Questions and Answers

1. Question. By what tenure is land held in the provinces with which you are acquainted?

Answer. In the provinces of Bengal, Behar, and parts of Orissa (*Midnapoor*), land is now held by a class of persons called *Zamindars* (i.e. landholders), who are entitled to perpetual hereditary possession, on condition of paying to government a certain revenue, fixed on their respective lands. This is termed the *Zamindary* system. But in the ceded and conquered provinces belonging to the Presidency of Fort William, no fixed agreement has yet been made with the *Zamindars* as to the amount of assessment. Consequently their estates are not in their own hands, but under the immediate management of government, and subject to fresh assessments from time to time at its discretion.

In the Madras Presidency, the revenue is, for the greater part, collected directly from the cultivators (called *Ryots*), by the government revenue officers, according to the rate fixed on the different descriptions of land in various situations. These cultivators may retain possession as long as they pay the revenue demanded from them.

2. Q. By what tenure was land held under the former government?

A. Under the Mohammedan government, lands were held by hereditary right on the *Zamindary* system (though the revenue was sometimes arbitrarily increased); and the *Zamindars* were considered as having a right to their respective estates, so long as they paid the public revenue. They were at the same time responsible for any breach of the peace committed within the limits of their estates. In this manner many estates, some of which can yet be referred to, such as Vishnupoor, Nuddea, etc., continued in the same family for several centuries.

3. Q. Do persons of all religious sects hold by the same tenure?

A. No religious or other distinctions were observed under the former government in regard to the holding of land; at present, Europeans are interdicted by law from becoming proprie-

tors of land, except within the jurisdiction of the British courts of law at the three presidencies, Calcutta, Madras and Bombay.

4. Q. Are the estates most usually large or small?

A. In the Bengal presidency the estates are many of them considerable, and there are many others of various smaller dimensions; but in the Madras presidency, where the revenue is collected directly from the cultivators, the district is generally divided into small farms.

5. Q. Do the proprietors cultivate their own estates, or let them to tenants?

A. To the best of my knowledge, almost all the land in the Bengal presidency is let out by the proprietors in farms, on a larger or smaller scale.

6. Q. On what terms are the farms rented?

A. The farms are frequently rented by the Zamindar himself to cultivators, often on lease, for payment of a certain fixed rent, and frequently the Zamindar lets the whole, or a great part of his *Zamindari* to respectable individuals, who realize the rents from the cultivators according to the contracts previously made with them by the Zamindars, or subsequently by these middlemen.

7. Q. Does the ordinary rate of rent seem to press severely on the tenants?

A. It is considered in theory that the cultivator pays half the produce to the landholder, out of which half, 10-11ths or 9-10ths constitute the revenue paid to government, and 1-10th or 1-11th the net rent of the landholder. This half of the produce is a very heavy demand upon the cultivator, after he has borne the whole expense of seed and labour; but in practice, under the permanent settlement since 1793, the landholders have adopted every measure to raise the rents by means of the power put into their hands.

8. Q. Under the former government, had the cultivator any right in the soil to cultivate in perpetuity on paying a fixed rent not subject to be increased?

A. In former times *Khud-kasht Ryots* (i.e. cultivators of the lands of their own village) were considered as having an absolute right to continue the possession of their lands in perpetuity on payment of a certain fixed rent, not liable to be increased. But under an arbitrary government, without any regular administration of justice, their acknowledged rights were often trampled upon. From a reference to the laws and the histories of the country, I believe that lands in India were individual property in ancient times. The right of property seems, however,

to have been violated by the Mohammedan conquerors in practice; and when the British power succeeded that of the Mohammedans, the former naturally adopted and followed up the system which was found to be in force, and they established it both in theory and practice.

9. Q. Are the tenants now subjected to frequent increase of rent?

A. At the time when the permanent settlement was fixed in Bengal (1793), government recognized the Zamindars (landholders) as having alone an unqualified proprietary right in the soil, but no such rights as belonging to the cultivators (*Ryots*) (Vide Regs. I and VIII of 1793, the foundation of the perpetual settlement). But by Art. 2. S. 60 of Reg. VIII of 1793, government declared, that no one should cancel the *Pattahs* (i.e. the title deeds), fixing the rates of payments for the lands of the *Khud-kasht Ryots* (peasants cultivating the lands of their own village), "except upon proof that they had been obtained by collusion", or "that the rents paid by them within the last three years had been below the *Nirrh-bundee* (general rate) of the *Purgannah*" (particular part of the district where the land is situated), or "that they had obtained collusive deductions", or "upon a general measurement of the *Purgannah* for the purpose of equalizing and correcting the assessment". In practice, however, under one or other of the preceding *four* conditions, the landholders (Zamindars), through their local influence and intrigues, easily succeeded in completely setting aside the rights, even of the *Khud-kasht* cultivators, and increased their rents.

10. Q. In what manner was the revenue assessed by Government upon each estate, and upon what principle at the time of the permanent settlement?

A. In the province of Bengal at the time of the permanent settlement (in 1793), the amount of the revenue which had been paid on each estate (*Zamindary*) in the preceding year was taken as a standard of assessment, subject to certain modifications. Estates (*Taaluks*) which had paid a revenue directly to Government for the twelve years previous without fluctuation, were to be assessed at that rate, and the principle of that assessment was considered to be nearly one-half of the gross produce. In Behar and other places the gross amount of the rents arising from an estate was fixed upon as the rate of government assessment, allowing, however, a deduction of ten per cent to the landholder (Zamindar), in the name of proprietor's dues (*Malikana*), and also something for the expense of collecting the rents, etc. In the upper provinces attached to the Bengal presidency,

as before observed, no settlement has yet been concluded with the Zamindars (landholders). The estates (*Zamindaris*) are sometimes let out by government to the highest bidder, to farmers of revenue on leases of a few years, and in other cases the rents are collected from the cultivators by the government officers.

11. Q. On what principle do the proprietors of land regulate the rate of rent paid by the tenants?

A. The different fields or plots of ground on an estate are classed into first, second, third or fourth quality, and certain rates per *bigah* (a well-known land measure in India), are affixed to them respectively, agreeable to the established rates in the district. These rates are considered as a standard in settling the rent to be paid by the cultivators. But as the precise quality of land is always liable to dispute, and fields may be classed in the first, second, third, or fourth quality according to the discretion of the Zamindars or government surveyors, and the measurement is also liable to variation through the ignorance, ill-will, or intentional errors of the measurers—there is *in practice* no fixed standard to afford security to the cultivators for the rate or amount of rent demandable from them, although such a standard is laid down *in theory*.

12. Q. Is the rent any specific proportion of the gross produce of the land?

A. In theory the rent is estimated, as I before observed, at half the gross produce of the land; it is often increased however much beyond that amount by various means; but in places peculiarly subject to have the crops destroyed by sudden inundation, or any other casualty, villagers cultivate generally on condition of receiving half the gross produce and delivering the other half to the landlord (Zamindar).

13. Q. Is the rent paid in money, in agricultural produce, or in labour?

A. The rent is generally paid in money, except under peculiar circumstances, when the agreement is to pay half the gross produce as rent. And it is sometimes paid by labour, when some of the villagers enter the service of the landlord (Zamindar) on condition of holding certain lands in lieu of their services.

14. Q. If in money or produce, at what period of the year, and in what proportion?

A. The money rent is usually paid by monthly instalments, the heaviest payments being made when the harvest is realized: and the payment in produce is of course exclusively at that season.



15. Q. Is the revenue in many instances collected by government directly from the cultivators, and not from the proprietors, or any set of middlemen?

A. Yes; very commonly in the Madras presidency, and sometimes in the ceded and conquered upper provinces, as above observed (Question 10). Also when lands advertised for sale, in order to realise arrears of revenues, do not find purchasers, they may remain temporarily in the hands of government.

16. Q. In the event of a proprietor or cultivator falling into arrear in his instalments of revenue, what means are adopted by the government for realizing it?

A. Various modes have been adopted, but the usual mode now followed, with respect to landholders (Zāmindars) is, that at the expiration of every third month of the revenue year, should any balance or revenue remain unpaid, the estate in arrear may be advertised for sale.

17. Q. Is the person of the proprietor liable to be arrested for the revenue?

A. Should the arrear of revenue due not be realized by the sale of the estate, the person of the proprietor may be seized.

18. Q. What proportion of the revenue may fall into arrear in one year, or what proportion of the land may be subject to legal process by the public authorities for its recovery?

A. Perhaps two-fifths, or one-half of the whole revenue are usually in arrear, on an average, taking the whole year round; and more than one-half of the estates are advertised for sale every year, but comparatively few are actually sold, as many of the proprietors contrive, when pressed by necessity, to raise the money by loan or otherwise.

19. Q. In the event of the tenants falling into arrear with their rent, what means do the proprietors adopt for realizing it?

A. They distrain their moveable property with some exceptions by the assistance of the police officers, and get it sold by means of the judicial authorities.

20. Q. Do the courts afford the same facilities to the proprietors for recovering their rents, as to the government for realizing its revenue?

A. When the revenue of an estate falls into arrear, the government by its own authority sells the property. But the proprietor cannot sell the property of a cultivator, except by the means of the judicial authority, which however generally expedites the recovery of such balances.

21. Q. In the event of a sale of land for revenue, what mode does the collector adopt in bringing it to sale?

A. When, at the end of the revenue quarter or year as before explained, a balance remains due, a notice is put up in the collector's office (*Cutcherry*) announcing that the lands are to be sold, unless the balance of revenue be paid up within a certain period. On the expiration of this period the lands may be sold to the highest bidder at public auction by the collector, under the sanction of the Board of Revenue.

22. Q. What period of indulgence is given to the defaulter before the sale takes place?

A. A space of from one month to six weeks, and not less than the former period from the time of advertising is allowed for paying up the arrears before the sale can actually take place.

23. Q. What previous warning is given to him to pay up his arrears, what length of notice of the intended sale is given to the public, and in what mode is the notice published?

A. First the collector sends a written order to the defaulting landholder, demanding payment of the arrears due. Failing this, a catalogue of the various estates for sale is inserted in the government gazette, and the particulars of each are advertised in the office of the collector, and of the judicial court and the Board of Revenue.

24. Q. What class of persons become the principle purchasers?

A. Frequently other landlords become purchasers, and sometimes the proprietors themselves in the name of a trusty agent. Sometimes persons engaged in trade, and sometimes the native revenue officers in the name of their confidential friends.

25. Q. What proportion of the land is purchased by the revenue officers?

A. The proportion purchased by the revenue officers is now comparatively very small.

26. Q. Do they conduct the sales fairly or turn their official influence to their own private advantage?

A. As such publicity is not given to the notices of sales as the local circumstances require, native revenue officers have sometimes an opportunity, if they choose, of effecting purchases at a reduced price; since the respectable natives in general, living in the country, are not in the habit of reading the government gazette, or of attending the public offices; and in respect to estates of which the business is transacted by agents, by a collusion with them, the estates are sometimes sold at a very low price.

27. Q. Can you suggest any plan for obviating abuses of this kind?

A. 1st, The advertisements or notices of sale should first be regularly sent to the parties interested at their own residences, not merely delivered to their agents. 2ndly, they should be fixed up not only in the government offices, but at the chief market places and ferries (ghats) of the district; also in those of the principal towns, such as Calcutta, Patna, Murshedabad, Benares, Cawnpore. 3rdly, the police officers should be required to take care that the notices remain fixed up in all these situations from the first announcement till the period of sale. 4thly, the day and hour of sale being precisely fixed, the biddings for an estate should be allowed to go on for a specific period—not less than five minutes—that all intending purchasers may have an opportunity of making an offer; and the lapse of that period should be determined by a proper measure of time, as a sand-glass placed on the public table for general satisfaction.

28. Q. When a cultivator fails to pay his rent, does the proprietor distrain or take possession of the tenant's moveables by his own power, or by applying to any legal authority?

A. Already answered. (See Question 19).

29. Q. Does the legal authority seize upon both the moveable and immoveable property, and the person of the tenant for his rent?

A. 1st, On a summary application to the police, the moveable property of the tenant, with some exceptions, is distrained by the help of the police officers; 2ndly, by the ordinary judicial process, the immoveable property of the tenant may be attached, and his person arrested for the recovery of the rest.

30. Q. What is the condition of the cultivator under the present *Zamindary* system of Bengal, and the *Ryotwary* system of the Madras Presidency?

A. Under both systems the condition of the cultivators is very miserable; in the one, they are placed at the mercy of the Zamindar's avarice and ambition; in the other, they are subjected to the extortions and intrigues of the surveyors and other government revenue officers. I deeply compassionate both; with this difference in regard to the agricultural peasantry of Bengal that there the landlords have met with indulgence from government in the assessment of their revenue, while no part of this indulgence is extended towards the poor cultivators. In an abundant season, when the price of corn is low, the sale of their whole crops is required to meet the demands of the landholder,

leaving little or nothing for seed or subsistence to the labourer or his family.

31. Q. Can you propose any plan of improving the state of the cultivators and inhabitants at large?

A. The new system acted upon during the last forty years, having enabled the landholders to ascertain the full measurement of the lands to their own satisfaction, and by successive exactions to raise the rents of the cultivators to the utmost possible extent, the very least I can propose and the least which government can do for bettering the condition of the peasantry, is absolutely to interdict any further increase of rent on any pretence whatsoever; particularly on no consideration to allow the present settled and recognized extent of the land to be disturbed by pretended re-measurements; as in forming the Permanent Settlement (Reg. I of 1793, Sec. 8, Art. I), the government declared it to be its right and its duty to protect the cultivators as being from their situation most helpless, and "that the landlord should not be entitled to make any objection on this account". Even in the Regulation (VIII of 1793, Sec. 60, Art. 2), the government plainly acknowledged the principle of the *Khud-kashi* cultivators having a perpetual right in the lands which they cultivated, and accordingly enacted, that they should not be dispossessed, or have their title deeds cancelled, except in certain specified cases applicable, of course, to that period of general settlement (1793), and not extending to a period of forty years afterwards. If government can succeed in raising a sufficient revenue otherwise by means of duties, etc., or by reducing their establishments particularly in the revenue department, they may then, in the districts where the rents are very high, reduce the rents payable by the cultivators to the landholders, by allowing to the latter a proportionate reduction. On this subject I beg to refer to a paper (Appendix A) which I drew up some time before leaving Bengal, which, with some additional hints and quotations, is subjoined.

32. Q. Are the Zamindars in the habit of farming out their estates to middlemen in order to receive their rents in an aggregate sum, authorizing the middlemen to collect the rent from under-tenants and so, how do middlemen treat the cultivators?

A. Such middlemen are frequently employed, and are much less merciful than the Zamindars.

33. Q. When the cultivators are oppressed by the Zamindars, or middlemen, are the present legal authorities competent to afford redress?

A. The judicial authorities being few in number, and often

situated at a great distance, and the landholders and middlemen being in general possessed of great local influence and pecuniary means, while the cultivators are too poor and too timid to undertake the hazardous and expensive enterprise of seeking redress, I regret to say that the legal protection of the cultivators is not at all such as could be desired.

34. Q. Can you suggest any change in the revenue or judicial system which might secure justice and protection to the cultivators against the oppression of the Zamindars, middlemen, or officers of government?

A. I have already suggested (see Q. 31) that no further measurement or increase of rent on any pretence whatever should be allowed; 2ndly, public notices in the current languages of the people, stating these two points, should be stuck up in every village, and the police officers should be required to take care that these notices remain fixed up at least twelve months; and to prevent any infringement thereof, on receiving information of any attempt at re-measurement on the part of any landholder (Zamindar), etc.; 3rdly, any native judicial commissioner for small debts (*Munsif*) who is authorized to sell distrained property for the recovery of rent, should be required not to proceed to sale unless fully satisfied that the demand of the Zamindar had not exceeded the rate paid in the preceding year; and if not satisfied of this, he should immediately release the property by application to the police. 4thly, that the judge or magistrate be required to hold a court one day in the week for cases of this kind, and, on finding any Zamindar guilty of demanding more than the rent of the preceding years, should subject such offender to a severe fine; and on discovering any police officer or native commissioner guilty of connivance or neglect, he should subject them to fine and dismissal from the service. 5thly, the judge or magistrate in each district should be directed to make a tour of the district once a year, in the cold season in order to see that the above laws and regulations for the protection of the poor peasantry are properly carried into effect. 6thly, and lastly, the collector should be required to prepare a general register of all the cultivators, containing their names, their respective portions of land, respective rents as permanently fixed according to the system proposed.

35. Q. Is the condition of the cultivators improved within your recollection of the country?

A. According to the best of my recollection and belief, their condition has not been improving in any degree.

36. Q. Has the condition of the proprietors of land im-

proved under the present system of assessment?

A. Undoubtedly: their condition has been much improved; because, being secured by the permanent settlement against further demands of revenue, in proportion to the improvement of their estates, they have in consequence brought the waste lands into cultivation, and raised the rents of their tenantry, and thus increased their own incomes, as well as the resources of the country.

37. Q. Has the government sustained any loss by concluding the permanent settlement of 1793 in Bengal, Behar, and part of Orissa without taking more time to ascertain the net produce of the land, or waiting for further increase of revenue?

A. The amount of assessment fixed on the lands of these provinces at the time of the permanent settlement (1793), was as high as had ever been assessed, and in many instances higher than had ever before been realized by the exertions of any government, Mohammedan or British. Therefore the government sacrificed nothing in concluding that settlement. If it had not been formed, the landholders (Zamindars) would always have taken care to prevent the revenue from increasing by not bringing the waste lands into cultivation, and by collusive arrangements to elude further demands; while the state of the cultivators would not have been at all better than it is now. However, if the government had taken the whole estates of the country into its own hands, as in the ceded and conquered provinces and the Madras Presidency, then by allowing the landholders only ten per cent on the rents (*Malikanah*), and securing all the rest to the government, it might no doubt have increased the revenue for a short time. But the whole of the landlords in the country would then have been reduced to the same wretched condition as they are at present in the ceded and conquered provinces of the Bengal Presidency, or rather annihilated, as in many parts of the Madras territory; and the whole population reduced to the same level of poverty. At the same time, the temporary increase of revenue to government under its own immediate management would also have soon fallen off, through the misconduct and negligence of the revenue officers, as shown by innumerable instances in which the estates were kept *khas* i.e. under the immediate management of government.

38. Q. Why are lands so frequently sold for arrears of revenue, and transferred from one set of hands to another?

A. For ten or twelve years after the introduction of the permanent settlement, the old Zamindars, from adhering to their ancient habits of managing their estates by agents, and

neglecting their own affairs, very soon lost a great part of their lands and some the whole; the purchasers, by their active exertions and outlay of capital, improved many of their estates, and increased their own fortune; but many of their heirs and successors again becoming less active and more extravagant, by rivalry with each other in nuptial entertainments, funeral rites, and other religious ceremonies, frequently ran into debt, and brought their estates again into the market.

39 and 40. Q. Do the lands sold for arrears usually realize the revenue claimed by government, and fetch their full value? If not, what is the cause of the depreciation?

A. They generally realize the revenue due from them; not always, however, as they are sold sometimes even below the amount of arrears due by the proprietors, owing to the want of due publicity and consequent absence of competitors; or collusive sales of the estates as before observed (see Ans. to Quest. 26).

41. Q. After the sale of the lands, should the arrears not be realized, does the government seize upon the person of the proprietor?

A. Yes: the government seizes his person, and any other property government may discover him to be possessed of, is sold.

42. Q. If so, is there any limit to his confinement, except payment of the debt?

A. There is no specified limit to the best of my recollection but after government is satisfied that he has given up all his property, he may obtain his release from its humanity.

43. Q. Have the cultivators any means of accumulating capital under the present system?

A. Certainly not; very often when grain is abundant, and therefore cheap, they are obliged, as already observed, to sell their whole produce to satisfy the demand of their landholders, and to subsist themselves by their own labour. In scarce and dear years they may be able to retain some portion of the crop to form a part of their subsistence, but by no means enough for the whole. In short, such is the melancholy condition of the agricultural labourers, that it always gives me the greatest pain to allude to it.

44. Q. When the government makes an assessment on the fields of the cultivators by means of numerous subordinate officers, is there any effectual mode of preventing collusion, embezzlement or oppression in the valuing and measuring of the lands?

A. I think it is almost impossible under that system, carried on, as it must be, by means of a vast number of individuals who are generally poor, and have no character to support. From their mismanagement not only the cultivators suffer, but ultimately the government itself, from the falling off in the revenue, under a system that at once presses down the people and exhausts the resources of the country. However, if the government would take the survey and assessment of one of the preceding years as a standard, and prevent any future measurement and assessment, it would relieve the cultivators, from the apprehension of further exactions,<sup>1</sup> and the collector or the registrar of the district should be authorized to grant reduction to any cultivator subjected to over-measurement on being petitioned, and on personally ascertaining such to have occurred.

45. Q. Are collectors generally competent to superintend personally the revenue affairs of the district?

A. From the heat of the climate, and from the difficulty of transacting business in a language which is foreign to them, the collectors in general for the above reasons, must stand in need of aid from others, whom they employ as instruments in conducting the details. At the same time they have so little intercourse or acquaintance with the native inhabitants, that they must naturally depend chiefly on two or three persons who are around them, in whom they generally place confidence, and consequently these few who have no chance of bettering their condition from the trifling salaries allowed them, sometimes consult their own interests, rather than those of the government or the people.

46. Q. Are the collectors vested with sufficient power to perform effectually the duties attached to their office, or do they enjoy authority of an extent to be injurious to the public?

A. Their powers are amply sufficient. The judicial authorities also are always required by the regulations of government to afford them promptly every necessary assistance in the discharge of their duties, and many collectors are even invested with the additional office and powers of magistrates; contrary to the judicial system established by Lord Cornwallis, and to the

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<sup>1</sup> Since writing the above, I happened to meet with a gentleman from Madras, of high talents and experience, who maintained that no further measurements or assessments are at all allowed in the provinces belonging to that presidency. I felt gratified at the intelligence, and shall feel still more so to find it confirmed by the Regulations of government.



common principles of justice, as they thus become at once parties and judges in their own case; consequently such powers very often prove injurious to those who attempt to maintain their own right against the claims of government, whose agents the collectors are. I much regret such a wide deviation in principle from the system of Lord Cornwallis; as I think that system, with such modifications and improvements as time may suggest, should be maintained as the basis of the revenue and judicial system of India.

47. Q. Can you suggest any improvement which might secure the revenue to government and protection to the people?

A. The regulations already in force are fully adequate to secure the government revenue. But to secure the people against any unjust exactions on the part of the revenue officers, I would propose, first, that the collectors should not by any means be armed with the magisterial powers. Secondly, that any charge against the revenue officers should be at once investigated by the judicial courts to which they are subject, without reference to the number of cases on the file of the court, as has been the practice with regard to causes in which the collectors are prosecutors; so that both parties may have an equal chance of legal redress. This, under existing circumstances, seems to be the best remedy that presents itself; but with the present system, I must repeat my fears that redress will not always be attainable.

48. Q. Would it be injurious or beneficial to allow Europeans of capital to purchase estates and settle on them?

A. If Europeans of character and capital were allowed to settle in the country, with the permission of India board, or the Court of Directors, or the local government, it would greatly improve the resources of the country, and also the condition of the native inhabitants, by showing them superior methods of cultivation, and the proper mode of treating their labourers and dependents.

49. Q. Would it be advantageous, or the reverse, to admit Europeans of all descriptions to become settlers?

A. Such a measure could only be regarded as adopted for the purpose of entirely supplanting the native inhabitants, and expelling them from the country. Because it is obvious that there is no resemblance between the higher and educated classes of Europeans and the lower and uneducated classes. The difference in character, opinions and sentiments between Europeans and the Indian race, particularly in social and religious matters, is so great that the two races could not peaceably exist together

as one community, in a country conquered by the former, unless they were gradually assimilated by constant intercourse, continued and increased for a long period of years, under a strong and vigorous system of police, in every village, large or small; an establishment so expensive, however, that the present revenue of India could not support it. Such assimilation has in some measure taken place at Calcutta from the daily communication of many of the respectable members of both communities. Yet even in that capital, though the seat of government and numerous police officers are placed at almost every hundred yards, the common Europeans are often disposed to annoy the native inhabitants. By the above statement I do not mean to convey that there are not any honest and industrious persons among the European labourers. On the contrary I believe that amongst the very humblest class of society such characters are numerous. But even in justice to them, I deem it right to state that without capital, they could not, in a hot country, compete with the native labourers, who are accustomed to the climate, and from their very different habits of life with regard to food, clothes and lodging can subsist on at least one-sixth, if not one-tenth of what is required by a European labourer. Consequently the latter would not find his situation at all improved, but the very reverse by emigrating to India.

50. Q. Would the judicial system as at present established, be sufficient to control the European settlers in the interior of the country?

A. At present British-born subjects are not amenable to the Company's courts, except as regard small debts under 500 rupees (about £ 50) and for petty cases of assault. Consequently under the present regulations, the courts as now established, are by no means competent to exercise any adequate control over British-born subjects in the interior.

51. Q. Would it be advisable to extend the jurisdiction of the King's courts already established at the presidencies, or to augment their number; or to give greater power to the Company's judges over the European settlers?

A. If the expenses attending the King's courts could be reduced at a level with the costs of the Company's courts, it would be useful and desirable to increase the number of such courts to the same extent as that of the Company's courts of appeal at present; if Europeans of respectability are permitted freely to settle in the interior. But should such reduction of expense be impracticable, it seems necessary in that event to extend the power of the Company's courts under the judicial

servants of the Company. In the latter case these judicial servants should be regularly educated as barristers in the principles of British law; or the British settlers must consent to be subject to the present description of judicial officers, under such rules and regulations as the local government of India has established for the rest of the inhabitants of the country. With regard to the extension of the jurisdiction of the King's courts already established at the presidencies, although in the courts justice is, I think, ably administered, yet it is at an expense so enormous to the parties, and to the community that even so wealthy a city as Calcutta is unable to support its exorbitant costs, to which two successive grand juries have called the attention of the judges without any effect.

52. Q. How would the settlement on a large scale of Europeans of capital in the country improve its resources?

A. As a large sum of money is now annually drawn from India by Europeans retiring from it with the fortunes realized there, a system which would encourage Europeans of capital to become permanent settlers with their families, would necessarily greatly improve the resources of the country.

53. Q. Is there any portion of land in the provinces with which you are acquainted, free from public assessments?

A. There is land of this description, and in some districts to considerable extent.

54. Q. Have any measures been adopted by government to ascertain the validity of the titles by which such lands are held free from assessment or have any of them been resumed, and under what circumstances?

A. In Regulation XIX of 1793, Lord Cornwallis, the Governor-General-in-Council, directed the revenue collectors to enquire into the validity of the titles of such land: and in case of there being any doubt as to their validity, to institute prosecutions so as to have them judicially investigated; and in the event of the parties in possession of the land failing to establish a valid title in the court, the lands might, by a decree of the court, be resumed by the collectors on behalf of government. But the government declared in the preamble of that regulation, that no holder of such tax-free (*lakhiraj*) lands should be deprived of them, or subjected to revenue, until his title should be judicially investigated and "adjudged invalid by a final judicial decree". However, I feel bound to add, that in 1828, by Reg. III of that year, the revenue collector in each district was authorized to dispossess the holders of such tax-free lands by his own authority, without reference to any judicial courts, if the collector

should be of opinion, after such enquiry as might satisfy himself that the title of the proprietor was not valid. It is therein enacted (Sec. 4, Art. 1) that "such decision of the collector shall have the force and effect of decree". Also (Art. 2), that "it shall not be necessary for him to transmit his proceedings to the Board of Revenue," but "the party dispossessed might appeal;" and by Art. 3, whether an appeal be filed or not, "that it shall and may be lawful for the collector immediately to carry into effect his decision by attaching and assessing the lands". This regulation produced great alarm and distrust amongst the natives of Bengal, Behar, and Orissa, many of whom petitioned against the principle of one party, who lays claim to the land, dispossessing an actual possessor at his own discretion; and Lord William Bentinck, though he has not rescinded the regulation, has suspended the immediate execution of it for the present.

LONDON

(Signed) RAMMOHUN ROY

August 19, 1831

## Revenue System—A Paper

Various opinions are entertained by individuals with regard to the perpetual settlement of public revenue, concluded according to Regulation I of 1793 with proprietors of land in the provinces of Bengal, Behar, and Orissa, and arguments resting on different principles have been adduced for and against this system; no room is therefore left for throwing any new light on the subject. We may, however, safely advance so far as to admit the settlement to be advantageous to both the contracting parties, though not perhaps in equal proportion.

2. To convince ourselves, in the first instance, of the accuracy of the opinion that the perpetual settlement has proved advantageous to government, a reference to the revenue records of the former and present rulers will, I think, suffice. No instance can be shown in those records, in which the sum assessed and annually expected from these provinces was ever collected with equal advantage prior to the year 1793. To avoid the demand of an increase of revenue on the part of government, proprietors in general used then wilfully to neglect the cultivation, which very often proved utterly ruinous to themselves, and excessively inconvenient to government in managing, farming, or selling such estates for the purpose of realizing their revenues.

3. Such persons as have directed their attention to the revenue records of government, must have been struck with the extreme difference existing between the rate of value at which estates usually sold prior to the year 1793, or even several years subsequent to that period, and the common price which the disposal of those estates now obtains to government or individuals at public or private sales; and it will not, I believe, be alleged that I am far wrong, when I say that this increase may in general be reckoned tenfold, and in some instances twenty. This enormous augmentation of the price of land is principally to be attributed to the extensive cultivation of waste lands, which has taken place in every part of the country, and to the rise of rents payable by the cultivators, and not to any other cause that I can trace.

4. It is true that the common increase of wealth has an irresistible tendency to augment the price without any improving

change in the property; but when we reflect on the extent of overwhelming poverty throughout the country (towns and their vicinity excepted), we cannot admit that increase of wealth in general has been the cause of the actual rise in the value of landed estates. To those who have ever made a tour of the provinces, either on public duty or from motives of curiosity, it is well known that within a circle of a hundred miles in any part of the country there are to be found very few, if any (besides proprietors of lands), that have the least pretension to wealth or independence, or even the common comforts of life.

5. It has been asserted, and perhaps justly, that much of the increased wealth of Bengal in late years is to be ascribed to the opening of the trade in 1814, thereby occasioning a greatly increased demand for the produce of lands. In so far, however, as this cause may have operated to increase of wealth, it is confined to landlords and dealers in commodities.

6. Besides, government appropriates to itself an enormous duty on the transit and exportation of the produce of the soil, which has, since the period of the perpetual settlement, increased to a great amount from the exertion of the proprietors in extending and improving cultivation, under the assurance that no demand of an increase of revenue would be made upon them on account of the progressive productiveness of their estates.

7. In the second place, that the perpetual settlement has been conducive to the interest of the proprietors of land is, in fact, acknowledged by all parties, and is fully evident on reference to the present and former revenue registers. The benefit which the proprietors enjoy is principally owing to circumstances: Firstly, the extended cultivation of waste lands which formerly yielded no rent; secondly, subsequent increase of rents, much beyond those rates paid by cultivators at the time of the perpetual settlement, in defiance of the rights of *Khud-kasht Ryots*—that is, such villagers as cultivate on lease the land that belongs to the village.

8. None will, I think, hesitate to rejoice in the augmentation of the incomes of proprietors derived from the extension of cultivation, as every man is entitled by law and reason to enjoy the fruits of his honest labour and good management. But as to the policy of vesting in the proprietors themselves, exempted from any increase of tax, the power of augmenting rents due from their *Khud-kasht* tenants, I must confess it to be a subject that requires examination.

9. It is too true to be denied that there was no regular system of administering justice, even in theory, under the gov-

ernment of the former rulers, and that there were few instances in which such humble individuals as *Khud-kasht Ryots* succeeded in bringing complaints against proprietors to the notice of higher authorities; nevertheless their claims to the cultivation of particular soils at fixed rates, according to their respective qualities, were always admitted as their means of livelihood, and inducement to continue to reside in their native village, although proprietors very often oppressively extorted from them sums of money, in addition to their rents, under the name of *abwabs*, or subscriptions; while, on the other hand, the *Ryots* frequently obtained deductions through collusion with the managers acting in behalf of the proprietors.

10. The measure adopted for the protection of *Khud-kasht* tenants in Article 2, Sec. LX, Regulation VIII of 1793, was conditional and has been consequently subject to violation. Hence they have benefited very little, if at all, by its provisions.

11. The power of imposing new leases and rents, given to the proprietors by Regulations I and VIII of 1793, and subsequent Regulations, has considerably enriched comparatively a few individuals—the proprietors of land—to the extreme disadvantage, or rather ruin, of millions of their tenants; and it is productive of no advantage to the government.

12. During the former system of government, proprietors in these and other provinces, contrary to the tenure by which lands are held in England, were required to pay a considerable proportion of their rents to the ruler of the country, whose arbitrary will was alone sufficient to augment or reduce the rates of the revenue demandable from them, and who, by despotic power, might deprive them of their rights as proprietors when they failed to pay the revenue unjustly alleged to be due from them. Under these circumstances, the situation of the proprietors was not in any respect on a more favourable footing than that of the *Khud-kasht* tenant, and consequently their right was not in any way analogous to that of a landlord in England.

13. In short, there were three parties acknowledged to have had a fixed right in the soil:—1stly, the *Ryots* to cultivate the land, and receive one half of the produce in return for the seed and labour. 2ndly, the government, in return for its general protection, to receive the other half, with the exception of one-tenth or eleventh. 3rdly, the Zamindars, or landholders to receive the tenth or eleventh for their local protection, and for their intervention between the government and the peasantry.

14. With a view to facilitating the collection of revenue and to encourage proprietors to improve their estates, government

liberally relieved them in the year 1793 from the distress and difficulties originating in the uncertainty of assessment, by concluding a perpetual settlement with them. But I am at a loss to conceive why this indulgence was not extended to their tenants, by requiring proprietors to follow the example of government, in fixing a definite rent to be received from each cultivator, according to the average sum actually collected from him during a given term of years; or why the feeling of compassion excited by the miserable condition of the cultivators does not now induce the government to fix a *maximum* standard, corresponding with the sum of rent now paid by each cultivator in one year, and positively interdict any further increase.

15. Some, however, doubt whether government can now assume the power of bettering the condition of this immense portion of its subjects, without violating the long-standing practice of the country, and the principles laid down in their existing regulations, at least for the last forty years. But I am satisfied that an unjust precedent and practice, even of longer standing cannot be considered as the standard of justice by an enlightened government.

16. With respect to the Regulations, however, there would be no real violation of them; as in Reg. I of 1793, which is the basis of the permanent settlement, the government thus expressly declares, that "It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor-General-in-Council will, whenever he may deem it proper, enact such regulations as he may think necessary, for the protection and welfare of the dependent *Talookdars*, *Ryots*, and other cultivators of the soil; and no Zamindar, independent *Talookdar*, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay."

17. And again in Regulation VIII of 1793 (Section 60, Article 2), the government recognised the principle of the cultivators of the lands attached to their own village (*Khud-kasht Ryots*) having a permanent right to retain possession thereof at a fixed rent, and enacted that their title-deeds (*Pattahs*) should not be set aside, except in certain specified cases, applicable to that period of general settlement, and not extending to forty years afterwards.

18. I regret to say that in some parts of these provinces the rent is already raised so high, that even an interdict



against further increase cannot afford the *Ryots* (cultivators) any relief or comfort; consequently, the government might endeavour to raise part of its revenue by taxes on luxuries, and such articles of use and consumption as are not necessities of life, and make a proportionate deduction in the rents of the cultivators, and in the revenues of the Zamindars to whom their lands belong.

19. Failing this, the same desirable object may be accomplished by reducing the revenue establishment in the following manner:—under the former government, the natives of the country, particularly Hindus, were exclusively employed in the revenue department in all situations, and they are still so almost exclusively under the present system. The collectors being covenanted European servants of the Company, are employed as superintendents at a salary of a thousand or fifteen hundred rupees (100 to 150 £) per mensem. The duties, however, are chiefly performed by the native officers, as they are not of such importance or difficult as the duties attached to the judicial department, in which one slip might at once destroy the life of the innocent, or alter the just destination of property for a hundred generations.

20. The principal duties attached to the situation of Collector are as follows: 1st. The receipt of the revenue by instalments according to the assessment, and remitting the amount thus collected to the General Treasury; or to one of the commanding officers; or to the Commercial Resident or Salt Agent, as directed by the Accountant General. 2nd. Advertising and selling the estates of defaulters to realize arrears. 3rd. Taking care of his own treasury (to prevent any mismanagement of it) and the revenue records. 4th. Making partitions of estates, when joint sharers thereof apply to him for such division. 5th. Preparing a quinquennial register of the estates paying revenue within his collectorship. 6th. Ascertaining what tax-free land has been in the possession of individuals without a valid title. 7th. Furnishing the judicial authorities with official papers required by them, and executing their decrees concerning lands, etc. 8th. Deciding cases which the judicial officer has it in his option to refer to the collector. 9th. Officiating as local post-master under the authority of the post-master-general. 10th. Assessing duties on the vendors of liquors and drugs with the concurrence of the magistrate, and collecting the duties payable thereon (receiving five per cent on the amount of collection for his trouble). 11th. Giving out stamped papers to native vendors, and he being responsible for the same, ten per cent, I think, on the

sum realized is allowed him for his trouble and responsibility. (The two latter articles produce of [for] the collector an additional monthly income of from not less than 200 to 1,000 rupees a month, according to the greater or smaller sale in different districts). 12th. Regulating the conduct of the native sub-collectors, assessors and surveyors, employed on the estates under the immediate management of government. 13th. Transmitting monthly and annual reports and accounts to the accountant-general and the civil auditor, and corresponding with the Board of Revenue on the various affairs of his collectorship as well as obeying their instructions.

21. A native of respectability at a salary of about 300, or 400 rupees per month may be appointed in lieu of the European collector, and he should give sureties for his character and responsibility to such amount as government may deem adequate. The large sum that may thus be saved by dispensing with the collectors would not only enable government to give some relief to the unfortunate *Ryots* above referred to by reducing their rents, but also raise the character of the natives and render them attached to the existing government and active in the discharge of their public duties, knowing that under such a system the faithful and industrious native servant would receive the merit, and ultimately the full reward of his services; whereas under the present system the credit or discredit is attributed to the European head of the department; while the natives who are the real managers of the business are entirely overlooked and neglected, and consequently they seem most of them to be rendered quite indifferent to anything but their own temporary interest.

22. With respect to the expediency and advantage of appointing native revenue officers to the higher situation in the revenue department, I am strongly supported by the opinion of persons whose sentiments have great weight with the governing party as well as with the party governed. I can safely quote the remarks of many distinguished servants of the Honourable East India Company, such as Sir Thomas Munro, Mr. Robert Richards, Mr. H. Ellis, and others.

23. The native collectors should be under the immediate and strict control of the Board of Revenue as the European collectors at present are, and should be made strictly responsible for every act performed in the official capacity. No one should be removed from his situation unless on proof of misconduct regularly established to the satisfaction of government on the report of the Board of Revenue.

24. For the present, perhaps, it would be proper to transfer the duty of selling the property of defaulting landholders to the registrars; and the judges, instead of referring causes to the revenue officers, should submit them to the Sudder Ameen (or native commissioners already appointed to decide causes under a certain amount).

25. In order to prevent the exercise of any undue influence or bribery in obtaining the situation of native collectors of revenue, it is requisite that all the present *Serishtadars* or head native officers attached to the different collectorships, should each be confirmed, at once, in the situation of collector, and in case of his death or removal, the next in rank should succeed him. In the same manner those under them should be each promoted regularly in succession according to his rank in the revenue department, unless incapacitated from being unable to produce the requisite security, or from other evident disqualification. And no one should be allowed to hold the situation of collector unless he had been at least ten years in the revenue service.

26. The present collectors may be transferred, if found qualified to the judicial or some other department, or allowed to retire on suitable pensions. Besides the Board of Revenue, who should exercise a constant superintendence over the revenue branch, there should be six or eight European civil servants of the company, who stand high in the estimation of government, appointed under the denomination of circuit collectors, to examine personally, from time to time, the records kept, and the proceedings held by the native collectors.

27. At all events I must conclude with beseeching any and every authority to devise some mode of alleviating the present miseries of the agricultural peasantry of India and thus discharge their duty to their fellow-creatures and fellow-subjects.

LONDON

August 19, 1831

# Judicial and Revenue System:

## Appendix

### No. I

Since the foregoing evidence has been circulated, a gentleman of high literary repute, connected with India, has expressed doubts regarding the policy or expediency of the suggestions I made in reply to Queries 71, 72, on the Judicial System, in the following words:

"No civil servant should be sent to India under twenty-four or at least twenty-two years of age, and no candidate among them should be admitted into the judicial line of the service, unless he can produce a certificate from a professor of English law to prove that he possesses a competent knowledge of it."

In addition to the reasons there advanced in support of this position, and also in reply to Query 77, I beg here to quote (with deference to that gentleman's extensive oriental acquirements), the authority of Sir William Blackstone, given in his introduction to the celebrated "Commentaries on the Laws of England", an authority which stands very high in the estimation of the British public.

"Should a judge in the most subordinate jurisdiction be deficient in the knowledge of the law, it will reflect *infinite contempt* on himself and *disgrace* upon those who employ him. And yet the consequence of his ignorance is *comparatively* very trifling and small: his judgement may be examined and his errors rectified by other courts. But how much more serious and affecting is the case of a superior judge, if without any skill in the laws he will boldly venture to decide a question upon which the welfare and subsistence of whole families may depend, where the chance of his judging right or wrong is barely equal, and where if he chances to judge wrong, he does an injury of the most alarming nature, an injury without possibility of redress." (Sec. 1, No. 12).

It should not be overlooked that the Company's District Judge and young Registrars who have the decision of minor causes, are afterwards made judges of the provincial courts of appeal and also of the Sudder Dewany and Nizamut Adawlut (the highest civil and criminal tribunals) whose decision is final

in all criminal causes, as well as in civil causes under 50,000 rupees; and that even in regard to causes above that sum, very few have the means of appealing to the king and council in England. The peculiar difficulties and discouragements attending such appeals have been already pointed out in my evidence. (Judicial System, Q. 51).

## No. II

In my paper on the Revenue System I expressed an opinion that the permanent settlement has been beneficial to both the contracting parties, i.e., the government and the landholders. This position, which, as regard the former, was long much controverted, does not now rest upon theory; but can be proved by the results of about forty years' practice. To illustrate this, I subjoin the annexed statements, Nos. I and II, shewing the failure of the whole amount of the public revenue at Madras under the *Ryotwary* system as contrasted with the general increase of the revenue of Bengal under the *Zamindari* permanent settlement; the latter diffusing prosperity into the other branches of revenue, whereas the former (or *Ryotwary* system) without effecting any material increase, in that particular branch has, by its impoverishing influence, tended to dry up the other sources of Revenue: a fact which must stand valid and incontrovertible as a proof of the superiority of the latter, until a contrary fact of greater or at least equal weight can be adduced.

### STATEMENT FIRST—Bengal, Bihar and Orissa

By a comparative view of the Revenues of Bengal, Behar and Orissa, from the period of the Perpetual Settlement, it appears that, in the thirty-five years, from 1792-93 to 1827-28, there was a total increase on the whole amount of the Revenue of above 100 per cent (101-71), and that this increase has been steady and progressive up to the present time; in the first seventeen years (from 1792-93 to 1809-10) it was about 42½ per cent; in the next eighteen years (from 1809-10 to 1827-28) 43-8/10 per cent and in the last ten years of that period (from 1817-18 to 1827-28) it was nearly 30 per cent.

These results are extracted from The Second Report of the Select Committee on the Affairs of the East India Company in 1810, p. 80; The Second Report of 1830, p. 98. In 1815-16, the revenue of Cuttack was incorporated with that of Bengal, but in 1822 the revenue of this Province did not exceed 185,000.£.

## STATEMENT SECOND—Madras

By a comparative view of the revenue of the old British territory in Madras, it appears that during the same period of thirty-five years (i.e. from 1793-1828) there was an increase of only about 40 per cent, (40.15) on the total amount of the whole revenue; that the increase during the first seventeen years (from 1793 to 1810) was 43.23 per cent; that in the next eight years the increase was only about 3.5 per cent; and that in the last eighteen years, (i.e. from 1810 to 1828) there has been a decrease of 2.15 per cent.

These results are extracted from The Second Report of the Select Committee on the Affairs of the East India Company in 1810 (p. 88); The Second Report of 1830, (p. 98) and Minutes of Evidence 1830-31.

## No. III

A doubt has been expressed with regard to the polity and advantage of acting on the principle suggested in my paper on the Revenue System (paragraphs 14 to 17), in which I expressed my opinion as to the propriety (on grounds of justice and humanity) of fixing a maximum rent to be paid by each of the cultivators, that their rents, already raised to a ruinous extent, might not be subject to further increase. I shall therefore here offer a few additional remarks on that point, showing the policy of such a measure.

Since the establishment of the permanent settlement in the lower provinces of the Bengal Presidency, the landholders (whose rents have been secured by it) are well-known to have been firmly attached to the existing government (as I noticed in reply to No. 13 of the Additional Queries). This cannot be said of the same class in the ceded and conquered provinces, whose estates have not been secured by a similar arrangement, and it is not the case with regard to the people of a large proportion of the Madras Presidency, where no similar attachment can be reasonably expected. Hence we may be justified in inferring that if the benefit of a permanent settlement were also extended to the cultivators, the farmers and labourers in every part of the country, both in the upper and lower provinces (who form the largest portion of the population of India) would be equally attached to government, and ready to rise in defence of it, as a militia or in any other shape that might be required; so as to secure the British rule in a foreign and remote empire, alike from internal intrigue and from external aggression, without the necessity of keeping on foot an

immense standing army at an enormous cost. This consideration is of great importance in respect to the natives of the upper and western provinces, who are distinguished by their superior bravery, and form the greater part of the British Indian army. If this race of men, who are by no means deficient in feelings of personal honour and regard for family respectability, were assured that their rights in the soil were indefeasible so long as the British power should endure, they would from gratitude and self-interest at all times be ready to devote their lives and property in its defence. The saving that might be effected by this liberal and generous policy, through the substituting of a militia force for a great part of the present standing army, would be much greater than any gain that could be realized by any system of increasing land revenue that human ingenuity could devise. How applicable to this case is the following line of the Persian sage (Sadi). "Be on friendly terms with thy subjects, and rest easy about the warfare of thine enemies; for to an upright prince his people is an army."

Ba rayat sulh kun waz jung i khasm amian nashin

Zanki shahinshah i adil ra rayat lashkar ast

On the other hand the same confidence could not be produced by any periodical settlement (be it quinquennial, decennial or even centennial) formed on the narrow policy of securing a temporary advantage or remote problematical gain to the government; since the love of offspring and the desire of continuing name and lineage in connection with the place of nativity and of residence, and with hereditary property, are the same in a peasant as in a prince.

#### No. IV

An idea has gone abroad that the permanent of *Zamindari* system, though undeniably beneficial to government, has proved too advantageous to the landholders, and the vast wealth which they are supposed to have derived from it has excited an anxiety in the minds of some to devise a plea for overturning it. The fact, however, is, that even the greatest landholder in the country, such as the Rajah of Burdwan, who pays a land tax of between 30 and 40 lakhs of rupees to government, does not receive more than six or eight lakhs, about 20 per cent on the amount collected, for his own share as proprietor. For this sum they incur an immense responsibility to the government; they are punishable for thefts and robberies committed within their estates, when suspected even of negligence in preventing or detecting such offences, and subject to loss by inundations and failure of crops. Some may have about an

equal sum with that payable to government, and a very few double; these almost exclusively in the eastern parts of Bengal. But the generality are by no means so favourably situated as is generally supposed; a fact clearly proved by the estates which come into the immediate management of Government in the Court of Wards, and which may be easily inferred from the frequent sales of estates for arrears of revenue.

Supposing these landholders of Bengal to stand in the place of the farmers in England, who are considered to pay about one-third of the produce of their farms as rent; is there anything so unreasonable, if the Zamindars receive 15 or 20 per cent; a very few 30 per cent of the produce of their estates? If the persons above alluded to, who suppose the Zamindars too well off, will only wait a little, as the law of primogeniture is not established or observed, the effect of hereditary succession will soon so subdivide the estates, and reduce the incomes of the landholders, that very few, if any, rich Zamindars can be found in the country.

#### No. V

In illustration of the statement made in my reply to Query 52, on the Revenue System, that as a sum of money is drawn from India by Europeans retiring from it with fortunes realized there, a different system, calculated to encourage Europeans of capital to become permanent settlers with their families, would necessarily greatly improve the resources of the country; I here subjoin some tables showing the amount paid to principal European Civil Officers of the Government in the General, Judicial and Revenue Departments in India in 1826-7. The Military Establishment, of course, is not being included. Besides, such Europeans as are barristers, solicitors, and law officers paid by fees, merchants, agents, and planters also, not being permitted to settle in the country, retire from it with their fortunes; and these, likewise, are not included in the statement. Moreover, many miscellaneous and minor officers are not enumerated in the subjoined list; I also annex a note showing the amount of the Revenue of India expended in England.



## BENGAL, CIVIL OFFICES

## I. GENERAL BRANCH

	Per Annum	
	Indian Money	Sterling
	Rs.	£
Governor-General's Salary	2,44,181	24,418
3 Members of Council, in all	2,93,017	29,301
6 Secretaries to Government	2,74,000	27,400
3 Judges of the King's Supreme Court	1,95,344	19,534
Lord Bishop of Calcutta	50,303	5,030
Archdeacon and 31 Chaplains	3,00,222	30,022
Advocate-General, Company's Attorney, and Standing Council	80,581	8,058
7 Residents at Native Courts (Delhi, Luck- now, Gwalior, Nagpoor, Hyderabad, Indore, Nepal)	6,81,509	68,150
9 Local (Political) Agents, with 6 Assis- tants and Surgeons	2,37,573	23,757
5 —(at Joypore, Harowtee, for Sikh and Hill Affairs—Serowhee, Mhairwarra)	95,241	9,524
18 Assistants	1,29,000	12,900
11 Surgeons and Assistants, —	86,640	8,664
Postmaster-General	60,635	6,063
Accountant-General	44,400	4,440
Sub-Treasurer	36,000	3,600
4 Mint Masters	60,993	6,099
4 Assay Masters	60,600	6,060

## II. JUDICIAL BRANCH

*Supreme Civil and Criminal Courts  
(Sudder Dewaney and Nizamut Adawlut)*

	Per Annum	
	Indian Money	Sterling
	Rs.	£
5 Judges	2,80,000	28,000
1 Registrar and Deputy	39,600	3,960
4 Assistants	27,683	2,768
2 Translators	9,600	960

*Four Provincial Courts of Appeal and Circuit, viz.,  
Calcutta, Dacca, Moorshedabad and Patna*

17 Judges	6,55,000	65,500
6 Surgeons, at Rs. 4,800	28,800	2,880

*Two Additional Provincial Courts of Appeal and Circuit  
of Benares and Bareilly, 9 Judges; also Benares City Adawlut  
Ghazeepore, Juanpore and Mirzapoor, 4 Judges and Magistrates*

13 Judges	4,71,196	47,119
5 Registrars, and Registrars and Joint Magistrates	51,082	5,108
8 Surgeons and Assistant Surgeons	38,400	3,840

## APPENDIX

*Three City Adawlut—Dacca, Moorshedabad, Patna*

3 Judges with Magisterial power	84,000	8,400
5 Registrars	37,200	3,720

*Forty Zillah Adawlut*

49 Judges, Magistrates and Assistant Magistrates	12,13,762	1,21,376
57 Registrars (or Registrars and Joint Magistrates)	4,39,893	43,989
49 Surgeons and Assistant Surgeons	2,26,393	22,693
Superintendents and Assistant do	1,38,120	13,812
5 Commissioners and Assistant do	1,18,510	11,851

## III. REVENUE BRANCH

*Lower Provinces*

	Per Annum Indian Money Rs.	Sterling £
Board of Revenue, 3 members	1,40,000	14,000
Secretary	26,784	2,678
Sub-Secretary and 2 Assistants	20,400	2,040
3 Commercial (or Opium) Agents in Behar, Benares, Malwa	1,56,091	15,609
Board of Customs, Salt and Opium, 2 Mem- bers	1,05,000	10,500
Secretary	29,449	2,944
8 Salt Agents	2,89,354	28,935
20 Collectors of Customs and Duties	4,30,695	43,069
5 Superintendents of Stamps and Salt	1,22,099	12,209
28 Collectors in the Lower Provinces	6,06,288	60,628
Commissioner in the Sundarbunds	22,800	2,280
10 Revenue Officers for Calcutta, Hoogh- ley, Jungal Mehals, N.E. of Rungpore Kumaoon, Cuttack, Balasore, Kherdah	1,99,424	19,942
Secretary of Presidency Committee of Re- cords and Registrar	10,800	1,080

*Western Provinces*

Board of Commissioner, 3 Members	1,44,487	14,448
Secretary, Sub-ditto and Assistant	42,744	4,274
12 Collectors, 2 Dy. Collectors, and Sub- Collector	4,14,792	41,479

*Central Provinces*

Board of Revenue, 3 Members	1,45,000	14,500
Secretary and 5 Assistants	58,179	5,817
16 Collectors and Sub-Collectors	3,53,129	35,312
Agent to Govr. General in Saugor and Nerbuddah	50,000	5,000
9 Assistants in charge of Districts	1,23,765	12,376

The allowances of the Civil Officers in the Presidencies of Madras and Bombay, are similar to those of Bengal; the chief difference exists between the salaries of the Governors and Members of Council in these Presidencies and those of the Governor-General in Bengal and the Members of his Council. I shall, therefore, only subjoin an Abstract of the Total Amount of the Civil Service of the Three Presidencies.

*Abstract of the Total Number of Covenanted Assistants and Military and Medical Officers employed in the Civil Department of Bengal, Madras and Bombay, distinguishing the different branches and Total expense of the same in the year 1827. (Extracted from Official Returns, ordered to be printed, 25th Feb. 1830)*

1827	Bengal		Madras		Bombay		Total	
Branches	Nos.	Allow- ances Rs.	Nos.	Allow- ances Rs.	Nos.	Allow- ances Rs.	Nos.	Allow- ances Rs.
General	302	42,47,914	124	14,25,735	18	13,34,391	507	70,08,040
Judicial	236	40,48,268	101	16,53,975	66	9,68,733	403	66,70,976
Revenue	177	37,11,206	85	13,95,052	65	7,82,370	327	58,88,631
Marine	16	1,42,740	22	78,078	20	1,60,596	58	3,81,414
Commercial	—	—	6	1,25,978	5	1,04,981	11	2,30,959
TOTAL	731	1,21,50,131	338	46,78,818	237	33,51,071	1306	2,01,80,020

Total Number of persons, one thousand, three hundred and six. Total amount of money, two crores, one lakh, eighty thousand and twenty rupees; nearly two millions English money.

Note: In the above statement the Rupee is taken at two shillings for the convenience of calculation; the real rate of exchange, however, has varied considerably, and of late years may be taken at an average perhaps of 1s. 10d.; consequently 10 or 11 rupees will constitute a Pound Sterling.

N.B.—By the evidence of Messrs Lloyd and Melville (the former the Accountant-General, and the latter the Auditor-General of the East India Company) recorded in the minutes of Evidence taken before the Select Committee of the House of Lords, 23rd February 1830, it appears that the proportion of the Indian revenues *expended in England* on the territorial account amounts on an average to 3,000,000£ sterling annually. It includes the expenses at the Board of Control and India House, pay, absentee allowances, and pensions to Civil and Military Officers in Europe for services in India, with interest of money realized there, etc., besides 453,588£ for territorial stores consigned to India.

In a letter of the Court of Directors to the Government of Bengal, dated the 20th of June, 1810, and quoted in the work "On Colonial Policy as applicable to the Government of India," by a very able servant of the Company, holding a responsible situation in Bengal, the Directors state that "it is no extravagant assertion to advance, that the annual remittances to London on account individuals, have been at the rate of nearly 2,000,000£ per annum for a series of years past." (p. 70). From these and other authentic documents the author calculates the amount of capital, or "the aggregate of tribute, public and private, so withdrawn from India from 1765 to 1820, at 110,000,000£." (p. 65):

## Life of the People

1. Question: What is your opinion of the physical condition of the Indian peasantry?

Answer: India is so extensive a country that no general statement on this subject will apply correctly to the people of the various parts of it. The natives of the Southern and Eastern Provinces for example, are by no means equal in physical qualities to those of the Northern and Western Provinces. But as regards physical strength, they are upon the whole inferior to the Northern nations, an inferiority which may be traced, I think, to three principal causes: 1st, the heat of the climate of India, which relaxes and debilitates the constitution: 2ndly, the simplicity of the food which they use, chiefly from religious prejudices: 3rdly, the want of bodily exertion and industry to strengthen the corporal frame, owing principally to the fertility of the soil, which does not render much exertion necessary for gaining a livelihood. Hence the natives of Africa, and some parts of Arabia, though subject to the influence of the same, or perhaps a greater intensity of heat, yet from the necessity imposed upon them of toiling hard for sustenance, and from using animal food, are able to cope with any Northern race in physical strength; therefore, if the people of India were to be induced to abandon their religious prejudices, and thereby become accustomed to the frequent and common use of a moderate proportion of animal food, (a greater proportion of the land being gradually converted to the pasture of cattle), the physical qualities of the people might be very much improved. For I have observed with respect to distant cousins, sprung from the same family, and living in the same district, when one branch of the family had been converted to Musulmanism, that those of the Mohammedan branch living in a freer manner, were distinguished by greater bodily activity and capacity for exertion, than those of the other branch which had adhered to the Hindu simple mode of life.

2. Q. What is the moral condition of the people?

A. A great variety of opinions on this subject has already been afloat in Europe for some centuries past, particularly in recent times, some favourable to the people of India and some against them. Those Europeans, who, on their arrival in the

country, happened to meet with persons whose conduct afforded them satisfaction, felt prepossessed in favour of the whole native population, and respected them accordingly; others again who happened to meet with ill-treatment and misfortunes, occasioned by the misconduct or opposition, social or religious, of the persons with whom they chanced to have dealings or communication, represented the whole Indian race in a corresponding light; while some, even without being in the country at all, or seeing or conversing with any natives of India, have formed an opinion of them at second hand founded on theory and conjecture. There is, however, a fourth class of persons, few indeed in number, who though they seem unprejudiced, yet have differed widely from each other, in many of their inferences from facts, equally within the sphere of their observation, as generally happens with respect to matters not capable of rigid demonstration. I therefore feel great reluctance in offering an opinion on a subject on which I may unfortunately differ from a considerable number of those gentlemen. However, being called upon for an opinion, I feel bound to state my impression, although I may perhaps be mistaken.

From a careful survey and observation of the people and inhabitants of various parts of the country, and in every condition of life, I am of opinion that the peasants or villagers who reside at a distance from large towns and head stations and courts of law, are as innocent, temperate and moral in their conduct as the people of any country whatsoever; and the farther I proceed towards the North and West, the greater the honesty, simplicity and independence of character I meet with. The virtues of this class however rest at present chiefly on their primitive simplicity, and a strong religious feeling which leads them to expect reward or punishment for their good or bad conduct, not only in the next world, but like the ancient Jews, also in this. 2ndly, the inhabitants of the cities, towns or stations who have much intercourse with persons employed about the courts of law, by Zamindars, etc., and with foreigners and others in a different state of civilization, generally imbibe their habits and opinions. Hence their religious opinions are shaken without any other principles being implanted to supply their place. Consequently a great proportion of these are far inferior in point of character to the former class, and are very often even made tools of in the nefarious work of perjury and forgery. 3rdly, a third class consists of persons who are in the employ of landholders (Zamindars) or dependent

for subsistence on the courts of law, as attorney's clerks, and who must rely for a livelihood on their shrewdness; not having generally sufficient means to enter into commerce or business. These are for the most part still worse than the second class; more especially when they have no prospect of bettering their condition by the savings of honest industry, and no hope is held out of them of rising to honour of affluence by superior merit. But I must confess that I have met a great number of the second class engaged in a respectable line of trade, who were men of real merit, worth and character. Even among the third class I have known many who had every disposition to act uprightly and some actually honest in their conduct. And if they saw by experience that their merits were appreciated, that they might hope to gain an independence by honest means, and that just and honourable conduct afforded the best prospect of their being ultimately rewarded by situations of trust and respectability, they would gradually begin to feel a high regard for character and rectitude of conduct; and from cherishing such feelings become more and more worthy of public confidence, while their example would powerfully operate on the second class above-noticed, which is generally dependent on them and under their influence.

3. Q. What is the rate of wages generally allowed to the peasantry and labourers?

A. In Calcutta, artisans, such as blacksmiths and carpenters, if good workmen, get (if my memory be correct) from ten to twelve rupees a month (that is, about 20 to 24 shillings); common workmen who do inferior plain work, 5 or 6 rupees (that is, about 10 or 12 shillings sterling money); masons from 5 to 7 (10 to 14 shillings) a month; common labourers about  $3\frac{1}{2}$  and some 4 rupees; gardeners or cultivators of land about 4 rupees a month, and palanquin-bearers the same. In small towns, the rates are something below this, in the country places still lower.

4. Q. On what kind of provisions do they subsist?

A. In Bengal they live most commonly on rice with a few vegetables, salt, hot spices and fish. I have however often observed the poorer classes living on rice and salt only. In the upper provinces they use wheaten flour instead of rice, and the poorer classes frequently use bajra (millet) etc.; the Mohammedans in all parts who can afford it add fowl and other animal food. A full grown person in Bengal consumes about 1 lb. to  $1\frac{1}{2}$  lb. of rice a day; in the upper provinces a larger quantity of wheaten flour, even though so much more

nourishing. The Vaishyas (persons of the third class) and the Brahmans of the Dakhan never eat flesh under any circumstances.

5. Q. What sort of houses do they inhabit?

A. In higher Bengal and upper and Western Provinces they occupy mud huts; in the lower and Eastern parts of Bengal generally hovels composed of straw, mats and sticks; the higher classes only having houses built of brick and lime.

6. Q. How are they clothed?

A. The Hindus of the Upper Provinces wear a turban on the head, a piece of cotton cloth (called a *Chadar*) wrapped round the chest, and another piece girt closely about the loins and falling down towards the knee; besides, they have frequently under the *Chadar* a vest or waistcoat cut and fitted to the person. In the lower provinces they generally go bareheaded; the lower garment is worn more open but falling down towards the ankle; and the poorer classes of labourers have merely a small strip of cloth girt round their loins for the sake of decency and are in other respects quite naked. The Mohammedans everywhere use the turban and are better clad. The respectable and wealthy classes of people, both Mussulmans and Hindus, are of course dressed in a more respectable and becoming manner.

7. Q. Does the population increase rapidly?

A. It does increase considerably, from the early marriages of the people and from the males so seldom leaving their families, and almost never going abroad. But there are occasional strong natural checks to this superabundance. The vast number carried off of late years by cholera morbus having greatly reduced the surplus population, the condition of the labourers has since been much improved, in comparison with what it was before the people were thinned by that melancholy scourge.

8. Q. What is the state of industry among them?

A. The Mohammedans are more active and capable of exertion than the Hindus, but the latter are also generally patent of labour, and diligent in their employments, and those of the Upper Province not inferior to the Mohammedans themselves in industry.

9. Q. What capability of improvement do they possess?

A. They have the same capability of improvement as any other civilized people.

10. Q. What degree of intelligence exists among the native inhabitants?



A. The country having been so long under subjection to the arbitrary military government of the Mohammedan rulers, which showed little respect for Hindu learning, it has very much decayed and indeed almost disappeared, except among the Brahmans in some parts of the Dakhan (Deccan), and of the eastern side of India, more distant from the chief seat of Mohammedan government. The Mussulmans, as well as the more respectable classes of Hindus chiefly, cultivated Persian literature, a great number of the former and a few of the latter also extending their studies likewise to Arabic. This practice has partially continued to the present time, and among those who enjoy this species of learning, as well as among those who cultivate Sanskrit literature, many well-informed and enlightened persons may be found, though from their ignorance of European literature, they are not naturally much esteemed by such Europeans as are not well versed in Arabic or Sanskrit.

11. Q. How are the people in regard to education?

A. Those about the courts of the native princes are not inferior in point of education and accomplishments to the respectable and well-bred classes in any other country. Indeed they rather carry their politeness and attention to courtesy to an inconvenient extent. Some seminaries of education (as at Benares, etc.) are still supported by the princes and other respectable and opulent native inhabitants, but often in a very irregular manner. With respect of the Hindu College in Calcutta, established under the auspices of the government on a highly respectable and firm footing, many learned Christians object to the system therein followed of teaching literature and science without religion being united with them; because they consider this as having a tendency to destroy the religious principles of the students (in which they were first brought up and which consequently were a check on their conduct), without substituting anything religious in their stead.

12. Q. What influence has superstition over the conduct of the people?

A. I have already noticed this in reply to Query 2nd.

13. Q. What is the prevailing opinion of the native inhabitants regarding the existing form of government and its administrators, native and European?

A. The peasantry and villagers in the interior are quite ignorant of, and indifferent about either the former or present government, and attribute the protection they may enjoy or oppression they may suffer to the conduct of the public officers

immediately presiding over them. But men of aspiring characters and members of such ancient families as are very much reduced by the present system, consider it derogatory to accept of the trifling public situations which natives are allowed to hold under the British government, and are decidedly disaffected to it. Many of those, however, who engage prosperously in commerce, and of those who are secured in the peaceful possession of their estates by the permanent settlement, and such as have sufficient intelligence to foresee the probability of future improvement which presents itself under British rulers, are not only reconciled to it, but really view it as a blessing to the country.

But I have no hesitation in stating, with reference to the general feeling of the more intelligent part of the native community, that the only course of policy which can ensure their attachment to any form of government, would be that of making them eligible to gradual promotion, according to their respective abilities and merits to situations of trust and respectability in the state.

LONDON

(Signed) RAMMOHUN ROY

September 28, 1831

#### NOTE

In replying to Queries 2nd, 9th and 10th, I have felt great delicacy in offering to the British public, situated at the distance of so many thousand miles, my opinion of the character of my own countrymen, and of their intelligence and capability of improvement; lest I should be accused of partiality, or supposed to be prejudiced in their favour. I have, therefore, endeavoured to convey my sentiments in very moderate language.

In replying to Query 11, I wish to be distinctly understood as referring to those natives of India who have been brought up under the mixed system of Hindu and Mohammedan education, which has hitherto existed in the country among the respectable classes. The present generation of youth, particularly at the Presidency, bred up in communication and intercourse more or less with Europeans, are progressively becoming imbued with their habits, manners, and ideas, and will, in the course of time, most probably approximate very nearly to them. My remarks are, therefore, not applicable to these, and may in a few years appear strange to those who do not consider and make allowance of these changes.

SETTLEMENT IN INDIA BY EUROPEANS<sup>1</sup>

Much has been said and written by persons in the employ of the Honourable East India Company and others on the subject of the settlement of Europeans in India, and many various opinions have been expressed as to the advantages and disadvantages which might attend such a political measure. I shall here briefly and candidly state the principal effects which, in my humble opinion, may be expected to result from this measure.

2. I notice, first, some of the advantages that might be derived from such a change.

## ADVANTAGES

Firstly. European settlers in India will introduce the knowledge they possess of superior modes of cultivating the soil and improving its products (in the article of sugar, for example), as has already happened with respect to indigo, and improvements in the mechanical arts, and in the agricultural and commercial systems generally, by which the natives would of course benefit.

Secondly. By free and extensive communication with the various classes of the native inhabitants the European settlers would gradually deliver their minds from the superstitions and prejudices, which have subjected the great body of the Indian people to social and domestic inconvenience, and disqualified them from useful exertions.

Thirdly. The European settlers being more on a par with the rulers of the country, and aware of the rights belonging to the subjects of a liberal government, and the proper mode of administering justice, would obtain from the local governments, or from the Legislature in England, the introduction of many necessary improvements in the laws and judicial system the benefit of which would of course extend to the inhabitants generally, whose condition would thus be raised.

Fourthly. The presence, countenance and support of the European settlers would not only afford to the natives protection against the impositions and oppression of their landlords and other superiors, but also against any abuse of power on the part of those in authority.

Fifthly. The European settlers, from motives of benevolence, public spirit and fellow-feeling towards their native neighbours, would establish schools and other seminaries of education for the cultivation of the English language throughout the country, and

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<sup>1</sup> This originally appeared in the General Appendix to the Report of the Select Committee of the House of Commons on the affairs of the East India Company, 1832.

for the diffusion of a knowledge of European arts and sciences; whereas at present the bulk of the natives (those residing at the Presidencies and some large towns excepted) have no more opportunities of acquiring this means of national improvement than if the country had never had any intercourse or connection whatever with Europe.

Sixthly. As the intercourse between the settlers and their friends and connections in Europe would greatly multiply the channels of communication with this country, the public and the government here would become much more correctly informed, and consequently much better qualified to legislate on Indian matters than at present, when, for any authentic information, the country is at mercy of the representations of comparatively a few individuals, and those chiefly the parties who have the management of public affairs in their hands, and who can hardly fail therefore to regard the result of their own labours with a favourable eye.

Seventhly. In the event of an invasion from any quarter, east or west, government would be better able to resist it, if, in addition to the native population, it were supported by a large body of European inhabitants, closely connected by national sympathies with the ruling power, and dependent on its stability for the continued enjoyment of their civil and political rights.

Eighthly. The same cause would operate to continue the connection between Great Britain and India on a solid and permanent footing; provided only the latter country be governed in a liberal manner, by means of Parliamentary superintendence, and such other legislative checks in this country as may be devised and established. India may thus, for an unlimited period, enjoy union with England, and the advantage of her enlightened government; and in return contribute to support the greatness of this country.

Ninthly. If, however, events should occur to effect a separation between the two countries, then still the existence of a large body of respectable settlers (consisting of Europeans and their descendants, professing Christianity, and speaking the English language in common with the bulk of the people, as well as possessed of superior knowledge, scientific, mechanical, and political) would bring that vast Empire in the east to a level with other large Christian countries in Europe, and by means of its immense riches and extensive population, and by the help which may be reasonably expected from Europe, they (the settlers and their descendants) may succeed sooner or later in enlightening and civilizing the surrounding nations of Asia.

3. I now proceed to state some of the principal disadvantages which may be apprehended, with the remedies which I think calculated to prevent them, or at any rate their frequent occurrence.

#### DISADVANTAGES

First. The European settlers being a distinct race, belonging to the class of the rulers of the country, may be apt to assume an ascendancy over the aboriginal inhabitants, and aim at enjoying exclusive rights and privileges, to the depression of the larger, but less favoured class; and the former being also of another religion, may be disposed to wound the feelings of the natives, and subject them to humiliations on account of their being of a different creed, colour and habits.

As a remedy or preventive of such a result, I would suggest, 1st, that as the higher and better educated classes of Europeans are known from experience to be less disposed to annoy and insult the natives than persons of lower class, European settlers, for the first twenty years at least, should be from among educated persons of character and capital, since such persons are very seldom, if ever, found guilty of intruding upon the religious or national prejudices of persons of uncultivated minds; 2nd, the enactment of equal laws, placing all classes on the same footing as to civil rights, and the establishment of trial by jury (the jury being composed impartially of both classes), would be felt as a strong check on any turbulent or overbearing characters amongst Europeans.

The second probable disadvantage is as follows: the Europeans possess an undue advantage over the natives, from having readier access to persons in authority, these being their own countrymen, as proved by long experience in numerous instances; therefore, a large increase of such a privileged population must subject the natives to many sacrifices from this very circumstance.

I would therefore propose as a remedy, that in addition to the native *vakeels*, European pleaders should be appointed in the country courts in the same manner as they are in the King's courts at the Presidencies, where the evil referred to is consequently not felt, because the counsel and attornies for both parties, whether for a native or a European, have the same access to the judge, and are in all respects on an equal footing in pleading or defending the cause of their clients.

The third disadvantage in contemplation is, that at present the natives of the interior of India have little or no opportunity of seeing any Europeans except persons of rank holding public

offices in the country, and officers and troops stationed in or passing through it under the restraint of military discipline, and consequently those natives entertain a notion of European superiority, and feel less reluctance in submission; but should Europeans of all ranks and classes be allowed to settle in the country, the natives who came in contact with them will materially alter the estimate now formed of the European character, and frequent collisions of interests and conflicting prejudices may gradually lead to a struggle between the foreign and native race till either one or the other obtain a complete ascendancy, and render the situation of their opponents so uncomfortable that no government could mediate between them with effect, or ensure the public peace and tranquillity of the country. Though this may not happen in the interior of Bengal, yet it must be kept in mind, that no inference drawn from the conduct of the Bengalese (whose submissive disposition and want of energy are notorious) can be applied with justice to the natives of the Upper Provinces, whose temper of mind is directly the reverse. Among this spirited race the jarrings above alluded to must be expected, if they be subjected to insult and intrusion—a state of things which would ultimately weaken, if not entirely undermine, the British power in India, or at least occasion much bloodshed from time to time to keep the natives in subordination.

The remedy already pointed out (para 3rd, art. 1st, remedy 1st), will, however also apply to this case, that is, the restriction of the European settlers to the respectable intelligent class already described, who in general may be expected not only to raise the European character still higher, but also to emancipate their native neighbours from the long standing bondage of ignorance and superstition, and thereby secure their affection, and attach them to the government under which they may enjoy the liberty and privileges so dear to persons of enlightened minds.

Some apprehend, as *the fourth probable danger*, that if the population of India were raised to wealth, intelligence, and public spirit, by accession and by the example of numerous respectable European settlers, the mixed community so formed would revolt (as the United States of America formerly did) against the power of Great Britain, and would ultimately establish independence. In reference to this, however, it must be observed that the Americans were driven to rebellion by misgovernment, otherwise they would not have revolted and separated themselves from England. Canada is a standing proof that an anxiety to effect a separation from the mother country is

not the natural wish of a people, even tolerably well-ruled. The mixed community of India, in like manner, so long as they are treated liberally, and governed in an enlightened manner, will feel no disposition to cut off its connection with England, which may be preserved with so much mutual benefit to both countries. Yet as before observed, if events should occur to effect a separation, (which may arise from many accidental causes, about which it is vain to speculate or make predictions), still a friendly and highly advantageous commercial intercourse may be kept up between two free and Christian countries, united as they will then be by resemblance of language, religion, and manners.

The fifth obstacle in the way of settlement in India by Europeans is, that the climate in many parts of India may be found destructive, or at least very pernicious to European constitutions, which might oblige European families who may be in possession of the means to retire to Europe to dispose of their property to disadvantage, or leave it to ruin, and that they would impoverish themselves instead of enriching India. As a remedy I would suggest that many cool and healthy spots could be selected and fixed upon as the head-quarters of the settlers (where they and their respective families might reside and superintend the affairs of their estates in the favourable season, and occasionally visit them during the hot months, if their presence be absolutely required on their estates), such as the Suppatoo, the Nielgherry Hills, and other similar places, which are by no means pernicious to European constitutions. At all events, it will be borne in mind that the emigration of the settlers to India is not compulsory, but entirely optional with themselves.

To these might be added some minor disadvantages though not so important. These (as well as the above circumstances) deserve fair consideration and impartial reflection. At all events, no one will, I trust, oppose me when I say, that the settlement in India by Europeans should at least be undertaken experimentally, so that its effects may be ascertained by actual observation on a moderate scale. If the result be such as to satisfy all parties, whether friendly or opposed to it, the measure may then be carried on to a greater extent, till at last it may seem safe and expedient to throw the country open to persons of all classes.

On mature consideration, therefore, I think I may safely recommend that educated persons of character and capital should now be permitted and encouraged to settle in India,

without any restriction of locality or any liability to banishment, at the discretion of the government; and the result of this experiment may serve as a guide in any future legislation on this subject.

LONDON

(Signed) RAMMOHUN ROY

July 14, 1832





## **Freedom of the Press**

*Journalism was one of the pursuits that attracted Raja Rammohun Roy to propagate important causes—social, religious and political. The Bengali weekly, Sambad Kaumadi appeared under his editorship in 1821 and he launched the Persian newspaper, Mirat-ul-Akhbar on the 18th April, 1822. He was also a frequent contributor to English journals.*

*From the very beginning, the government adopted a hostile attitude towards the press as it was feared that the misdeeds of the local officials would become known to the Board of Directors of the Company.*

*On the 14th March, 1823, the Acting Governor-General, Mr. I. Adam issued an Ordinance prohibiting the publication of a newspaper or periodical without obtaining a prior licence. The licence could be cancelled for any infringement of the conditions under which it was issued. Earlier the Governor-General had served an externment order on the first among the British liberal journalists, Mr. James-Salk Buckingham.*

*In compliance with the law, the Ordinance was laid before the Supreme Court for approval on the 15th March, 1823. Two days later, Rammohun Roy and four others made a petition to the Supreme Court objecting to the Rules. The petition was rejected, and the Judge made it plain that even before hearing the petition he had made up his mind to put the Rules on the Statute Book.*

*Rammohun Roy then appealed to the King-in-Council.*

*In his petition, he made an impassioned and closely argued plea for the freedom of the press. Free press, he pointed out, is one of the best safeguards of liberty, and is in the best interest of not only the people but the government as well.*

## Press Regulations: Memorial to the Supreme Court\*

TO THE HONOURABLE SIR FRANCIS MACNAGHTEN,

Sole Acting Judge of the Supreme Court  
of Judicature at Fort William in Bengal

MY LORD,

In consequence of the late Rule and Ordinance passed by His Excellency the Governor-General-in-Council, regarding the Publication of Periodical Works, your Memorialists consider themselves called upon with due submission, to represent to you their feelings and sentiments on the subject.

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\*“The eminently learned Dr. Bryce, the Head Minister of the new Scotch Church, having accepted the situation of Clerk of the Stationary belonging to the Honourable Company, Mr. Buckingham, the editor of the (*Calcutta*) *Journal* observed directly as well as indirectly that it was unbecoming of the character of the Minister to accept a situation like this; upon which the Governor-General, in consideration of his disrespectful expression, passed an order that Mr. Buckingham should leave India for England within the period of two months from the date of the receipt of this order, and that after the expiration of that period he is not allowed to remain a single day in India.”—*Mirat-al-Akhbar*.

“The *Journal* was suppressed, and at the close of 1823, Mr. Arnot, Mr. Buckingham’s assistant editor, was arrested and put on board a home-going ship. The notice expelling Mr. Buckingham was followed up, suddenly and without notice, on March 14th, by a rigorous Press Ordinance from the Acting Governor-General-in-Council. . . . The Ordinance prescribed that henceforth no one should publish a newspaper or other periodical without having obtained a licence from the Governor-General-in-Council, signed by the Chief Secretary. Before this regulation could come into force, the law required it to be fixed up in the Supreme Court for twenty days, and then if not disallowed, registered. It was accordingly entered on March 15th. On the 17th, the Council moved the Court to allow parties feeling themselves aggrieved by the new regulation to be heard. Sir Francis Macnaghten, the Sole Acting Judge, fixed the 31st for the hearing of objections, but suggested that in the meanwhile the objectors would do well to state their plea in a memorial to Government. Foremost among these objectors was Rammohun Roy. He

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Your Memorialists beg leave, in the first place, to bring to the notice of your Lordship, various proofs given by the natives of this country of their unshaken loyalty to, and unlimited confidence in the British Government of India, which may remove from your mind any apprehension of the government being brought into hatred and contempt, or the peace, harmony, and good order of society in this country, being liable to be interrupted and destroyed, as implied in the preamble of the above Rule and Ordinance.

First, your Lordship is well aware, that the natives of Calcutta and its vicinity, have voluntarily entrusted Government with millions of their wealth, without indicating the least suspicion of its stability and good faith, and reposing in the sanguine hope that their property being so secured, their interests will be as permanent as the British Power itself; while on the contrary, their fathers were invariably compelled to conceal their treasures in the bowels of the earth in order to preserve them from the insatiable rapacity of their oppressive Rulers.

Secondly, placing entire reliance on the promises made by the British Government at the time of the Perpetual Settlement of the landed property in this part of India, in 1793, the landholders have since, by constantly improving their estates, been

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(Contd.)

and his friends set about promoting the suggested petition. . . . Another memorial of the same tenor was hastily drawn up next day, signed by Rammohun and five other distinguished native gentlemen, and by counsel submitted to the Supreme Court. This memorial was attributed by its opponents to an English author, but was really, as was generally acknowledged later, the work of Rammohun. It may be regarded as the Areopagitica of Indian History. Alike in diction and in argument, it forms a noble landmark in the progress of English culture in the East. . . . On this memorial being read, its prayer was supported by the speeches of Counsel, Mr. Fergusson and Mr. Turton. But Sir Francis Macnaghten gave his decision in favour of the press Ordinance. . . . There was but one resource left to the defenders of a free Press and of that resource Rammohun did not hesitate to avail himself. He and his co-adjutors appealed to the King-in-Council. The Appeal is one of the noblest pieces of English to which Rammohun put his hand. Its stately periods and not less stately thought recall the eloquence of the great orators of a century ago. In a language and style for ever associated with the glorious vindication of liberty, it involves against the arbitrary exercise of British power the principles and traditions which are distinctive of British history."—*The Life and Letters of Raja Rammohun Roy* by Miss Collet.

able to increase their produce, in general very considerably;<sup>1</sup> whereas, prior to that period, and under former governments, their forefathers were obliged to lay waste the greater part of their estates, in order to make them appear of inferior value, that they might not excite the cupidity of Government, and thus cause their rents to be increased or themselves to be dispossessed of their lands,—a pernicious practice which often incapacitated the landholders from discharging even their stipulated revenue to government, and reduced their families to poverty.

Thirdly, during the last wars which the British Government were obliged to undertake against neighbouring Powers, it is well known, that the great body of natives of wealth and respectability, as well as the landholders of consequence, offered up regular prayers to the objects of their worship for the success of the British arms from a deep conviction that under the sway of that nation, their improvement, both mental and social, would be promoted, and their lives, religion, and property be secured. Actuated by such feelings, even in those critical times, which are the best test of the loyalty of the subject, they voluntarily came forward with a large portion of their property to enable the British Government to carry into effect the measures necessary for its own defence, considering the cause of the British as their own and finally believing that on its success their own happiness and prosperity depended.

Fourthly, it is manifest as the light of the day, that the general subjects of observation and the constant and the familiar topic of discourse among the Hindu community of Bengal, are the literary and political improvements which are continually going on in the state of the country under the present system of government, and a comparison between their present auspicious prospects and their hopeless condition under their former Rulers.

Under these circumstances, your Lordship cannot fail to be impressed with a full conviction, that whoever charges the natives of this country with disloyalty, or insinuates aught to the prejudice of their fidelity and attachment to the British Government, must either be totally ignorant of the affairs of this country and the feelings and sentiments of its inhabitants, as above stated, or, on the contrary be desirous of misrepresenting the people and misleading the Government, both here and in England, for unworthy purposes of his own.

Your Memorialists must confess, that these feelings of loyalty and attachment, of which the most unequivocal proofs stand on

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<sup>1</sup> Generally, it is said two or three fold—REPORTER.

record, have been produced by the wisdom and liberality displayed by the British Government in the means adopted for the gradual improvement of their social and domestic condition, by the establishment of Colleges, Schools, and other beneficial institutions in this city, among which the creation of a British Court of Judicature for the more effectual administration of Justice, deserves to be gratefully remembered.

A proof of the natives of India being more and more attached to the British Rule in proportion as they experience from it the blessings of just and liberal treatment, is, that the inhabitants of Calcutta, who enjoy in many respects very superior privileges to those of their fellow-subjects in other parts of the country, are known to be in like measure more warmly devoted to the existing government; nor is it at all wonderful they should in loyalty be not at all inferior to British-born subjects, since they feel assured of the possession of the same civil and religious liberty, which is enjoyed in England, without being subjected to such heavy taxation as presses upon the people there.

Hence the population of Calcutta, as well as the value of land in this city, have rapidly increased of late years, notwithstanding the high rents of houses and the dearness of all the necessaries of life compared with other parts of the country, as well as the inhabitants being subjected to additional taxes, and also liable to the heavy costs necessarily incurred in case of suits before the Supreme Court.

Your Lordship may have learned from the works of the Christian Missionaries, and also from other sources, that ever since the art of printing has become generally known among the natives of Calcutta, numerous Publications have been circulated in the Bengalee Language, which by introducing free discussion among the natives and inducing them to reflect and inquire after knowledge, have already served greatly to improve their minds and ameliorate their condition. This desirable object has been chiefly promoted by the establishment of four native newspapers, two in the Bengalee and two in the Persian languages, published for the purpose of communicating to those residing in the interior of the country, accounts of whatever occurs worthy of notice at the Presidency or in the country, and also the interesting and valuable intelligence of what is passing in England and in other parts of the world, conveyed through the English newspapers or other channels.

Your Memorialists are unable to discover any disturbance of the peace, harmony, and good order of society, that has arisen from the English Press, the influence of which must

necessarily be confined to that part of the community who understand the language thoroughly; but they are quite confident, that the publications in the Native languages, whether in the shape of a newspaper or any other work, have none of them been calculated to bring the government of the country into hatred and contempt, and that they have not proved, as far as can be ascertained by the strictest inquiry, in the slightest degree injurious; which has very lately been acknowledged in one of the most respectable English Missionary works. So far from obtruding upon government groundless representations, native Authors and Editors have always restrained themselves from publishing even such facts respecting the judicial proceedings in the interior of the country as they thought were likely at first view to be obnoxious to government.

While your Memorialists were indulging the hope that government, from a conviction of the manifold advantages of being put in possession of full and impartial information regarding what is passing in all parts of the country, would encourage the establishment of newspapers in the cities and districts under the special patronage and protection of government, that they might furnish the Supreme Authorities in Calcutta with accurate account of local occurrences and reports of Judicial proceedings,—they have the misfortune to observe, that on the contrary, His Excellency the Governor-General-in-Council—has lately promulgated a Rule and Ordinance imposing severe restraints on the Press and prohibiting all periodical publications even at the Presidency and in the Native languages, unless sanctioned by a licence from Government, which is to be revocable at pleasure whenever it shall appear to government that a publication has contained anything of an unsuitable character.

Those natives who are in more favourable circumstances and of respectable character, have such an invincible prejudice against making a voluntary affidavit, or undergoing the solemnities of an oath, that they will never think of establishing a Publication which can only be supported by a series of oaths and affidavits, abhorrent to their feelings and derogatory to their reputation amongst their countrymen.

After this Rule and Ordinance shall have been carried into execution, your Memorialists are therefore extremely sorry to observe, that a complete stop will be put to the diffusion of knowledge and the consequent mental improvement now going on, either by translations into the popular dialect of this country from the learned languages of the East, or by the circulation of literary intelligence drawn from foreign publications. And the



same cause will also prevent those natives who are better versed in the laws and customs of the British nation, from communicating to their fellow-subjects a knowledge of the admirable system of government established by the British, and the peculiar excellencies of the means they have adopted for the strict and impartial administration of justice. Another evil of equal importance in the eyes of a just Ruler, is, that it will also preclude the natives from making the government readily acquainted with the errors and injustice that may be committed by its executive officers in the various parts of this extensive country; and it will also preclude the natives from communicating frankly and honestly to their gracious sovereign in England and his Council, the real condition of His Majesty's faithful subjects in this distant part of his dominions and the treatment they experience from the local government: since such information cannot in future be conveyed to England, as it has heretofore been, either by the translations from the native publications inserted in the English newspapers printed here and sent to Europe, or by the English Publications which the natives themselves had in contemplation to establish, before this Rule and Ordinance was proposed.

After this sudden deprivation of one of the most precious of their rights, which has been freely allowed them since the establishment of the British Power, a right which they are not, and cannot be charged with having ever abused, the inhabitants of Calcutta would be no longer justified in boasting, that they are fortunately placed by Providence under the protection of the whole British nation, or that the King of England and his Lords and Commons are their Legislators, and that they are secured in the enjoyment of the same civil and religious privileges that every Briton is entitled to in England.

Your Memorialists are persuaded that the British Government is not disposed to adopt the political maxim so often acted upon by Asiatic Princes, that the more people are kept in darkness, their Rulers will derive the greater advantages from them; since, by reference to History, it is found that this was but a short-sighted policy which did not ultimately answer the purpose of its authors. On the contrary, it rather proved disadvantageous to them; for we find that as often as an ignorant people, when an opportunity offered, have revolted against their Rulers, all sorts of barbarous excesses and cruelties have been the consequence; whereas a people naturally disposed to peace and ease, when placed under a good government from which they experience just and liberal treatment, must become the more attached

to it, in proportion as they become enlightened and the great body of the people are taught to appreciate the value of the blessings they enjoy under its Rule.

Every good ruler, who is convinced of the imperfection of human nature, and reverences the Eternal Governor of the world, must be conscious of the great liability to error in managing the affairs of a vast empire; and therefore he will be anxious to afford every individual the readiest means of bringing to his notice whatever may require his interference. To secure this important object, the unrestrained liberty of publication, is the only effectual means that can be employed. And should it ever be abused, the established Law of the Land is very properly armed with efficient powers to punish those who may be found guilty of misrepresenting the conduct or character of government, which are effectually guarded by the same laws to which individuals must look for protection of their reputation and good name.

Your Memorialists conclude by humbly entreating your Lordship to take this Memorial into your gracious considerations; and that you will be pleased by not registering the above Rule and Ordinance, to permit the natives of this country to continue in possession of the civil rights and privileges which they and their fathers have so long enjoyed under the auspices of the British nation, whose kindness, and confidence, they are not aware of having done anything, to forfeit.

CHUNDER COOMAR TAGORE  
DWARKA NAUTH TAGORE  
RAMMOHUN ROY  
HURCHUNDER GHOSE  
GOWREE CHURN BONNERGEE  
PROSUNNO COOMAR TAGORE

## Appeal to the King-in-Council

TO THE KING'S MOST EXCELLENT MAJESTY  
MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's faithful subjects, natives of India and inhabitants of Calcutta, being placed by Providence under the sovereign care and protection of the august head of the British nation, look up to Your Majesty as the guardian of our lives, property, and religion, and when our rights are invaded and our prayers disregarded by the subordinate authorities, we beg leave to carry our complaints before Your Majesty's throne, which is happily established in mercy and justice, amidst a generous people celebrated throughout the earth as the enemies of tyranny, and distinguished under your royal auspices, as the successful defenders of Europe from continental usurpation.

2nd. We, Your Majesty's faithful subject, now come before you under the most painful circumstances, the local executive authorities having suddenly assumed the power of legislation in matters of the highest moment, and abolished legal privileges of long standing, without the least pretence that we have ever abused them, and made an invasion on our civil rights such as is unprecedented in the history of British Rule in Bengal, by a measure which either indicates a total disregard of the civil rights and privileges of Your Majesty's faithful subjects, or an intention to encourage a cruel and unfounded suspicion of our attachment to the existing government.

3rd. The greater part of Hindustan having been for several centuries subject to Muhammadan Rule, the civil and religious rights of its original inhabitants were constantly trampled upon, and from the habitual oppression of the conquerors, a great body of their subjects in the southern Peninsula (Dukhin), afterwards called Marhattahs, and another body in the western parts now styled Sikhs, were at last driven to revolt; and when the Mussulman power became feeble, they ultimately succeeded in establishing their independence; but the natives of Bengal wanting vigour of body and adverse to active exertion, remained during the whole period of the Muhammadan conquest, faithful to the existing government, although their property was often plundered, their religion insulted, and their blood wantonly shed. Divine

Providence at last, in its abundant mercy, stirred up the English nation to break yoke of those tyrants, and to receive the oppressed natives of Bengal under its protection. Having made Calcutta the capital of their dominions, the English distinguished this city by such peculiar marks of favour, as a free people would be expected to bestow, in establishing an English Court of Judicature, and granting to all within its jurisdiction, the same civil rights as every Briton enjoys in his native country; thus putting the natives of India in possession of such privileges as their forefathers never expected to attain, even under Hindu Rulers. Considering these things and bearing in mind also the solicitude for the welfare of this country, uniformly expressed by the Honourable East India Company, under whose immediate control we are placed, and also by the Supreme Councils of the British nation, your dutiful subjects consequently have not viewed the English as a body of conquerors, but rather as deliverers, and look up to Your Majesty not only as a Ruler, but also as a father and protector.

4th. Since the establishment of the Supreme Court of Judicature in Calcutta till the present time, a period that has been distinguished by every variety of circumstances, the country sometimes reposing in the bosom of profound peace, at others shaken with the din of arms—the local government of Bengal, although composed from time to time, of men of every shade of character and opinion, never attempted of its own will and pleasure to take away any of the rights which Your Majesty's royal ancestors with the consent of their Councils, had been graciously pleased to confer on your faithful subjects. Under the cheering influence of equitable and indulgent treatment, and stimulated by the example of a people famed for their wisdom and liberality, the natives of India, with the means of amelioration set before them, have been gradually advancing in social and intellectual improvement. In their conduct and in their writings, whether periodical or otherwise, they have never failed to manifest all becoming respect to a government fraught with such blessings; of which their own publications and the judgement passed upon them by the works of their contemporaries, are the best proofs. Your faithful subjects beg leave in support of this statement to submit two extracts from English works very lately published, one by a native of India, and the other by English Missionaries; the first is from a work published on the 30th of January last, by Rammohun Roy, entitled "A Final Appeal to the Christian Public", which may serve as a specimen of the sentiments expressed by the natives of India towards the government.

"I now conclude my Essay in offering up thanks to the Supreme Disposer of the universe, for having unexpectedly delivered this country, from the long continued tyranny of its former rulers, and placed it under the government of the English, a nation who not only are blessed with the enjoyment of civil and political liberty, but also interest themselves, in promoting liberty and social happiness, as well as free inquiry into literary and religious subjects, among those nations to which their influence extends."—Pages 378, 379.

5th. The second extract is from a periodical work published at the Danish settlement of Serampore, by a body of English Missionaries, who are known to be generally the best qualified and the most careful observers of the foreign countries in which Europeans have settled. This work, entitled the *Friend of India*, treating of the native newspapers published in Bengal, thus observes: "How necessary a step this (the establishment of a Native Press) was for the amelioration of the condition of the natives, no person can be ignorant who has traced the effects of Press in other countries. The natives themselves soon availed themselves of this privilege; no less than four weekly newspapers in the native language have now been established, and there are hopes, that these efforts will contribute essentially to arouse the native mind from its long lethargy of death; and while it excites them to inquire into what is going forward in a world, of which Asia forms so important a portion, urges them to ascertain their own situation respecting that eternal world, which really communicates all the vigour and interest now so visible in Europeans. *Nor has this liberty been abused by them in the least degree*; yet these vehicles of intelligence have begun to be called for, from the very extremities of British India, and the talents of the natives themselves, have not unfrequently been exerted in the production of essays, that would have done credit to our own countrymen."—(*Friend of India*, quarterly series, No. VII, published in December, 1822).

6th. An English gentleman, of the name of Buckingham, who for some years published a newspaper in this place, entitled the *Calcutta Journal*, having incurred the displeasure of the local government, was ordered to leave this country, and soon afterwards, the Hon'ble John Adam, the Governor-General in Council, suddenly without any previous intimation of his intentions, passed a Rule and an Ordinance, on the 14th of March, thus taking away the liberty of the Press, which Your Majesty's faithful subjects had so long and so happily enjoyed, and substituting his own will and pleasure for the Laws of England,

by which it had hitherto been governed. (This Rule, Ordinance, and Regulation is annexed: *vide* Paper annexed No. 1.)<sup>1</sup>

7th. It being necessary according to the system established for the government of this country that the above Regulation should receive the approbation of the Supreme Court by being registered there, after having been fixed up for 20 days on the walls of the Court room, before it could become Law, on the following Monday, (the 17th of March,) Mr. Fergusson, Barrister, moved the Court to allow parties who might feel themselves aggrieved by the New Regulation, to be heard against it by their Counsel before the sanction of the Court should establish it as Law, and the Honourable Sir Francis Macnaghten, the sole Acting Judge, expressed his willingness to hear in this manner, all that could be urged against it, and appointed Monday the 31st of the same month of March, for Counsel to be heard. His Lordship also kindly suggested, that in the meantime, he thought it would be advisable to present a Memorial to government, praying for the withdrawal of the said Rule and Ordinance. These observations from the Honourable Sir Francis Macnaghten, inspired Your Majesty's faithful subjects at this Presidency, with a confident hope, that his Lordship disapproved of the Rule and Ordinance, and would use his influence with government to second the prayer of the Memorial be recommended to be presented, or that at least in virtue of the authority vested in him for the purpose of protecting your faithful subjects against illegal and oppressive acts, he would prevent the proposed Rule from passing into law.

8th. Your faithful subjects agreeable to a suggestion of this nature, proceeding from such a source, employed the few days intervening, in preparing a Memorial to government, containing a respectful representation of the reasons which existed against the proposed Rule and Ordinance being passed into Law; but in preparing this Memorial in both the English and Bengalee Languages, and discussing the alterations suggested by the different individuals who wished to give it their support and signature, so much time was necessarily consumed, that it was not ready to be sent into circulation for signature until the 30th of March; consequently only fifteen natives of respectability had time to read it over and affix their signature before the following day on which it was to be discussed in the Supreme Court and finally sanctioned or rejected. Besides that this number was considered insufficient, it was then too late for the government to act upon this Memorial, so as to supersede the discussions and decision

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<sup>1</sup> These annexed papers have not been published in this volume.

that were to take place in the Court, and a few individuals, therefore, of those who concurred in it, hastily prepared another Memorial of the same tenor in the morning of that day, addressed to the Supreme Court itself, demonstrating our unshaken attachment to the British Government, and praying the Court to withhold its sanction from a Regulation which would deprive us of an invaluable privilege, firmly secured to us by the Laws of the Land, which we had so long enjoyed and could not be charged with ever having abused. (Annexed paper No. 2) And although from these circumstances, the Memorial had still fewer signatures, Your Majesty's faithful subjects reposed in the hope, that in appealing to a British Court of Law they might rely more on the justice of their cause, than the number or weight of names, especially, since it is well known that there are many under the immediate influence of government, who would not express an opinion against the acts of those in power at the time, although it were to secure the salvation of all their countrymen.

9th. This Memorial being, by the order of the Judge, read by the Registrar of the Court, Mr. Fergusson, (who besides his professional skill and eminence as an English Lawyer, has acquired by his long practice at the Calcutta Bar, a very intimate acquaintance with the state of this country) in virtue of the permission granted him, entered into an argument, showing the Rule and Ordinance to be both illegal and inexpedient. (The grounds on which he opposed it are given at length, annexed paper No. 3.)

10th. These and other conclusive arguments, urged by Mr. Fergusson, and also by Mr. Turton, both eminently skilled in the Laws of England, powerfully strengthened the hopes previously created by the observations that formerly fell from the Bench, that the learned Judge would enter his protest against such a direct violation of the Laws, and uncalled for invasion of the rights of your faithful subjects.

11th. Notwithstanding, we observed with astonishment and regret, that his Lordship, in giving his decision, paid no regard whatever to the above Memorial, not alluding to it in the most distant manner, nor to the argument it contained; and his Lordship further disclosed, that at the time he expressed a desire to hear every objection that could be urged, and recommended a Memorial to government against it, from which your faithful subjects unanimously hoped that the mind of the Judge was undecided, and rather unfavourable to the Rule, his Lordship had previously pledged himself by promise to government to

give it his sanction. (Annexed paper No. 4, containing the speech made by Sir Francis Macnaghten, the Judge, who presided on the occasion.)

12th. Your Majesty's faithful subjects cannot account for the inconsistency manifested by Sir F. Macnaghten in two different points with regard to the sanctioning of this Regulation. In the first place, according to his Lordship's own statement from the Bench, he refused not only once, but twice, to see the Regulation before it passed in Council, probably because his Lordship thought it improper for him to give it his approbation until it came before him in the regular manner; but he afterwards, when application was made to him a third time, not only consented to read it, but with some alterations agreed to give it his sanction, a change of conduct for which no reason was assigned by his Lordship. Again, when application was made to his Lordship to hear the objections that might be urged against it, before giving it his Judicial approval his Lordship withhold from the knowledge of the public, not only that he had already so pledged himself; but even that he had previously seen the Regulation, and expressed himself ready to hear all that could be said respecting it, in the same manner as if his mind had been unfettered by any promise, and perfectly open to conviction. Consequently, some of Your Majesty's faithful subjects prepared a Memorial and retained Counsel against the new Regulation, and had afterwards the mortification to find, that their representations were treated with contemptuous neglect, and that the arguments of the most able Lawyers could be of no avail.

13th. Your Majesty in Parliament has been graciously pleased to make it a part of the Law of this country, that after a Regulation has passed the Council, it must be fixed up for twenty days in the Supreme Court, before it can be registered, so as to receive the full force of Law, an interval which allows the Judge time for deliberation and to hear from others all the objections that may exist to the proposed measure, and might have the effect of preventing the establishment of injudicious and expedient or unjust and oppressive acts; but if, as in this case, the Judges enter into previous compact with the Local government, and thus preclude the possibility to any effectual representation from your faithful subjects, who have no intimation of what is meditated till it be finally resolved upon, the salutary effect of twenty days' delay is lost, and your faithful subjects will be in constant apprehension, that the most valuable and sacred of their rights may, as in this instance, be suddenly



snatched from them at a moment's warning, before they know that such a measure is in contemplation, or have time to represent the evils which it is calculated to inflict upon them.

14th. In pursuance of the Regulation passed as above described, the government issued an official order in the *Government Gazette* of the 5th of April, commanding the attention of Editors of Newspapers or other periodical works, to certain restrictions therein contained, prohibiting all matters which it might consider as coming under the following heads:

(1st.) Defamatory or contumelious reflections against the King, or any of the Members of the Royal Family.

(2nd.) Observations or statements touching the character, constitution, measures or orders of the Court of Directors, or other public authorities in England, connected with the Government of India, or the character, constitution, measures, or orders of the Indian Governments impugning the motives and designs of such authorities of governments, or in any way tending to bring them into hatred or contempt to excite resistance to their orders, and to weaken their authority.

(3rd.) Observations or statements of the above description, relative to, allied, or friendly native Powers, their Ministers, or Representatives.

(4th.) Defamatory or contumelious remarks or offensive insinuations levelled against the Governor-General, the Governors or Commander-in-Chief, the Members of Council, or the Judges of His Majesty's Courts at any of the Presidencies or the Bishop of Calcutta, and publication of any description, tending to expose them to hatred, obloquy or contempt, also libellous or abusive reflections and insinuations against the Public Officers of government.

(5th.) Discussions having a tendency to create alarm or suspicion among the native population of any intended official interference with their religious opinions and observances, and irritating and insulting remarks on their peculiar usages and modes of thinking on religious subjects.

(6th.) The republication from English, or other papers, of passages coming under the foregoing heads.

(7th.) Defamatory publications tending to disturb the peace, harmony, and good order of society.

(8th.) Anonymous appeals to the Public, relative to grievances of professional or official nature, alleged to have been sustained by Public Officers in the service of His Majesty or the Honourable Company.

This Copy of the Restrictions will be authenticated by the

annexed Copy (No. 5).

15th. The above restrictions, as they are capable of being interpreted, will in fact afford government and all its Functionaries from the highest to the lowest complete immunity from censure or exposure respecting anything done by them in their official capacity, however desirable it might be for the interest of the country, and also that of this Honourable Company, that the public conduct of such public men should not be allowed to pass untouched. It can scarcely be doubted that the real object of these Restrictions is to afford all the Functionaries of government complete security against their conduct being made the subject of observation, though it is associated with a number of other restraints totally uncalled for, but well calculated to soothe the supreme authorities in England and win their assent to the main object of the Rule—the suppression of public remark on the conduct of the Public Officers of Government in India.

16th. Your Majesty's faithful subjects could have surely no inducement in this distant quarter of the world to make contumelious and injurious reflections on Your Majesty or any of the members of Your Majesty's illustrious family, or to circulate them among people to whom Your Majesty's name is scarcely known and to the greatest part of whom, even the fame of your greatness and power has not reached; but to those few natives who are possessed of sufficient information to understand the political situation of England, the English newspapers and books which are constantly brought to this country in great abundance, are equally intelligible with the periodical publications printed in Calcutta.

17th. Neither can Your Majesty's faithful subjects have any wish to make remarks on the proceedings of the Court of Directors, of whose beneficent intentions they are well convinced, but that the Honourable Body who have so often manifested their earnest desire to ameliorate the condition of their Indian dependants, must be naturally anxious to be made exactly acquainted with the manner in which their wishes are carried into execution, and the operation and effect of the acts passed relative to this country.

18th. Whoever shall maliciously publish what has a tendency to bring the government into hatred and contempt or excite resistance to its orders, or weaken their authority, may be punished by Law as guilty of treason or sedition; and surely in a country enjoying profound peace externally and internally, and where seditious and treasonable publications are unknown, it could not be necessary for government to throw aside of a sud-

den, the Laws which for anything that has appeared, were fully sufficient, and arm itself with new and extraordinary powers at a time when that government is more secure than at any former period.

19th. It may surely be left for British Judges and Juries to determine whether the mention made of the proceedings of government, be malevolent, seditious and dangerous to the State, so as to render a writer or publisher culpable and amenable to punishment; but if the mere mention of the conduct of government without misrepresentation or malice on the part of the writer bring it into hatred and contempt, such conduct will never receive the countenance or protection of Your Majesty by the sanction of a Law to prevent its exposure to public observation, and the discovery of that dissatisfaction it may have occasioned, which would afford the higher authorities an opportunity of removing them.

20th. After a body of English Missionaries have been labouring for about twenty-five years by preaching and distributing publications in the native languages in all parts of Bengal, to bring the prevailing system of religion into disrepute, no alarm whatever prevails, because Your Majesty's faithful subjects possess the power of defending their religion by the same means that are employed against it, and many of them have exercised the freedom of the Press to combat the writing of English Missionaries, and think no other protection necessary to the maintenance of their faith. While the teachers of Christianity use only reason and persuasion to propagate their religion, Your Majesty's faithful subjects are content to defend theirs by the same weapons, convinced that true religion needs not the aid of the sword or of legal penalties for its protection. While Your Majesty's faithful subjects perceived that government showed no displeasure, and claimed no arbitrary power of preventing the publication of what was written in defence of the prevailing religion of the country, it was impossible to entertain any such suspicion as that intimated in the 5th article, viz., that government would interfere with the established faith of the natives of this country. Nevertheless, if any person with a malicious and seditious design were to circulate an unfounded rumour that government meant so to interfere with our religious privileges, he would be severely punished by law: but if the government really intended to adopt measures to change the religion of the country, Your Majesty's faithful subjects would be absolutely prohibited by the present restrictions from intimating the appalling intelligence to their countrymen: and although they have every reason to hope that

the English nation will never abandon that religious toleration which has distinguished their progress in the East, it is impossible to foresee to what purposes of religious oppression such a Law might at some future time be applied.

21st. The office of the Lord Bishop of Calcutta not calling him to preach Christianity in that part of the town inhabited by the natives, or to circulate Pamphlets among them against the established religion of the country, but being of a nature totally distinct, and not at all interfering with the religious opinion of the native population, they could never dream of vilifying and defaming his character or office.

22nd. The Judges of the Supreme Court in Calcutta and of the English Courts of Judicature at the other Presidencies, enjoy, in virtue of their office, the power of protecting their characters and official conduct from defamation and abuse; since such would be either a contempt of the Court, liable to summary punishment, or punishable by those Laws enacted against libel. It is therefore hard to be conceived, that they stand in need of still further protection, unless it should be wished thereby to create an idea of their infallibility, which however is incompatible with the freedom allowed to barristers, of delivering their sentiments beforehand on the justice or injustice of the opinions the Judges may pronounce, and in case of appeal, of controverting the justice and equity of their decision. The only object such a restriction is calculated to attain, must therefore be defeated, unless it be meant thereby to prevent the publication of the pleadings which as they take place in an English Court of Judicature are by Law public, and ought to be accessible to all.

23rd. The seventh restriction prohibiting defamatory publications tending to disturb the peace, harmony, and good order of society, is equally unnecessary, since the British Legislature has already provided a punishment for such offences by the Laws enacted against libel.

24th. Your Majesty's faithful subjects will not offer any more particular remarks on the superfluous restrictions introduced to accompany those more important ones which are the principal object of government, and will conclude with this general observation, that they are unnecessary, either because the offences prohibited are imaginary and improbable or because they are already provided for by the laws of the Land, and either the government does not intend to put them in force at all, or it is anxious to interrupt the regular course of justice, abolish the right of trial by Jury and, by taking the Law into its own hands, to combine the Legislative and Judicial power, which is

destructive of all civil liberty.

25th. Your Majesty's faithful subjects have heard that, Your Majesty constantly submits to the greatest freedom of remark among your British-born subjects without losing any part of the homage and respect due to your exalted character and station, and that the conduct of your Ministers is constantly the topic of discussion, without destroying the dignity and power of the government. While such is the case in a country where it is said above nine-tenths of the inhabitants read newspapers, and are therefore liable to be led by the opinion circulated through the Press, its capability of bringing a government into hatred and contempt must be far less in a country where the great mass of the population do not read at all, and have the greatest reverence for men in power, of whom they can only judge by what they feel, and are not to be moved by what is written, but by what is done, where consequently government can only be brought into hatred and contempt by its own acts.

26th. The Marquis of Hastings, who had associated for the greater part of his life, with Kings and Princes, entertained no apprehension that the salutary control of public scrutiny which he commended, would bring him or his Indian administration into hatred and contempt; and in effect, instead of such being the result, the greater the freedom he allowed to the European conductors of the Press, only rendered his name the most honoured and revered in this part of the world, because it was universally believed, that his conduct proceeded from a consciousness of rectitude which feared no investigation.

27th. But your faithful subjects might forbear urging further arguments on this subject to Your Majesty, who with your action open to observation, possess the love, the esteem, and the respect of mankind, in a degree which none of the despotic monarchs of Europe or Asia can ever attain, whose subjects are prohibited from examining and expressing their opinions regarding their conduct.

28th. Asia unfortunately affords few instances of Princes who have submitted their actions to the judgement of their subjects, but those who have done so, instead of falling into hatred and contempt, were the more loved and respected, while they lived, and their memory is still cherished by posterity; whereas more despotic monarchs, pursued by hatred in their life time, could with difficulty escape the attempts of the rebel or the assassin, and their names are either detested or forgotten.

29th. The idea of the possession of absolute power and perfection, is evidently not necessary to the stability of the British

Government of India, since Your Majesty's faithful subjects are accustomed to see private individuals citing the government before the Supreme Court, where the justice of their acts is fearlessly impugned, and after the necessary evidence being produced and due investigation made, judgement not unfrequently given against the government, the judge not feeling himself restrained from passing just sentence by any fear of the government being thereby brought into contempt. And Your Majesty's faithful subjects only pray, that it may be permitted by means of the Press or by some other means equally effectual, to bring forward evidence regarding the acts of government which affect the general interest of the community, that they also may be investigated and reversed, when those who have the power of doing so, become convinced that they are improper or injurious.

30th. A government conscious of rectitude of intention, cannot be afraid of public scrutiny by means of the Press, since this instrument can be equally well employed as a weapon of defence, and a government possessed of immense patronage, is more especially secure, since the greater part of the learning and talent in the country being already enlisted in the service, its actions, if they have any shadow of Justice, are sure of being able and successfully defended.

31st. Men in power hostile to the Liberty of the Press, which is a disagreeable check upon their conduct, when unable to discover any real evil arising from its existence, have attempted to make the world imagine, that it might, in some possible contingency, afford the means of combination against the government, but not to mention that extraordinary emergencies would warrant measures which in ordinary times are totally unjustifiable, Your Majesty is well aware, that a free Press has never yet caused a revolution in any part of the world, because, while men can easily represent the grievances arising from the conduct of the local authorities to the supreme government, and thus get them redressed, the grounds of discontent that excite revolution are removed; whereas, where no freedom of the Press existed, and grievances consequently remained unrepresented and unredressed, innumerable revolutions have taken place in all parts of the globe, or if prevented by the armed force of the government, the people continued ready for insurrection.

32nd. The servants of the Honourable Company are necessarily firmly attached to that system from which they derive their consequence and power, and on which their hopes of higher honours and still greater emoluments depend; and if it be possible to imagine, that these strong considerations are not sufficient

to preserve subordination among them, the power of suspension and ruin which hangs over their heads for any deviation from duty, is certainly sufficient to secure that object.

33rd. After the British government has existed for so many years, it has acquired a certain standard character in the minds of the natives of India, from the many excellent men who have from time to time held the reins of power, and the principles by which they have been guided. Whatever opinion, therefore, may be entertained of the individuals composing it at a particular period, while the source of power remains the same, Your Majesty's faithful subjects cannot of a sudden lose confidence in the virtue of the stream, since although it may for a period be tainted with corruption, yet in the natural course of events it must soon resume its accustomed character. Should individuals abuse the power entrusted to them, public resentment cannot be transferred from the delinquents to the government itself, while there is a prospect of remedy from the higher authorities; and should the highest in this country turn a deaf ear to all complaints, by forbidding grievances to be even mentioned, the spirit of loyalty is still kept alive by the hope of redress from the authorities in England; thus the attachment of the natives of India, to the British government must be as permanent as their confidence in the honour and justice of the British nation, which is their last Court of Appeal next to heaven. But if they be prevented from making their real condition known in England, deprived of this hope of redress, they will consider the most peculiar excellence of the British government of India, as done away.

34th. If these conclusions drawn from the particular circumstances of this country, be met with such an argument as that a colony or distant dependency can never safely be entrusted with the liberty of the Press, and that therefore natives of Bengal cannot be allowed to exercise the privileges they have so long enjoyed, this would be in other words to tell them, that they are condemned to perpetual oppression and degradation from which they can have no hope of being raised during the existence of the British Power.

35th. The British nation has never yet descended to avow a principle so foreign to their character, and if they could for a moment entertain the idea of preserving their power by keeping their colonies in ignorance, the prohibition of periodical publications is not enough, but printing of all kinds, education, and every other means of diffusing knowledge should be equally discouraged and put down. For it must be the distant consequences

of the diffusion of knowledge that are dreaded by those (if there be any such) who are really apprehensive for the stability of government, since it is well known to all in the least acquainted with this country, that although every effort were made by periodical as well as other publications, a greater number of years must elapse before any considerable change can be made in the existing habits and opinions of the natives of India, so firmly are they wedded to established custom. Should apprehensions so unworthy of the English nation prevail, then unlike the ancient Romans who extended their knowledge and civilization with their conquests, ignorance and degradation must mark the extent of British Power. Yet surely even this affords no hope of perpetual rule, since notwithstanding the tyranny and oppression of Gengis Khan and Tamerlane, their empire was not so lasting as that of the Romans, who to the proud title of conquerors, added the more glorious one of enlighteners of the world. And of the two most renowned and powerful monarchs among the Moghuls, Akbar was celebrated for his clemency, for his encouragement of learning, and for granting civil and religious liberty to his subjects, and Aurungzebe, for his cruelty and intolerance, yet the former reigned happy, extended his power and his dominions, and his memory is still adored, whereas the other, though endowed with equal abilities and possessed of equal power and enterprise, met with many reverses and misfortunes during his lifetime, and his name is now held in abhorrence.

36th. It is well known that despotic governments naturally desire the suppression of any freedom of expression which might tend to expose their acts to the obloquy which ever attends the exercise of tyranny or oppression, and the argument they constantly resort to, is, that the spread of knowledge is dangerous to the existence of all legitimate authority, since, as a people become enlightened, they will discover that by a unity of effort, the many may easily shake off the yoke of the few, and thus become emancipated from the restraints of power altogether, forgetting the lesson derived from history, that in countries which have made the smallest advances in civilization, anarchy and revolution are most prevalent—while on the other hand, in nations the most enlightened, any revolt against governments, which have guarded inviolate the rights of the governed, is most rare, and that the resistance of a people advanced in knowledge, has ever been—not against the existence—but against the abuses of the governing power. Canada, during the late war with America, afforded a memorable instance of the truth of this argument. The enlightened inhabitants of that colony, finding



that their rights and privileges had been secured to them, their complaints listened to and their grievances redressed by the British government, resisted every attempt of the United States to seduce them from their allegiance to it. In fact, it may be fearlessly averred, that the more enlightened a people become, the less likely are they to revolt against the governing power, as long as it is exercised with justice tempered with mercy, and the rights and privileges of the governed are held sacred from any invasion.

37th. If Your Majesty's faithful subjects could conceive for a moment, that the British nation actuated solely by interested policy, considered India merely as a valuable property, and would regard nothing but the best means of securing its possession and turning it to advantage, even then, it would be of importance to ascertain whether this property be well taken care of by their servants, on the same principle that good masters are not indifferent about the treatments of their slaves.

38th. While therefore the existence of a free Press is equally necessary for the sake of the governors and the governed, it is possible a national feeling may lead the British people to suppose, that in two points, the peculiar situation of this country requires a modification of the laws enacted for the control of the Press in England. First, that for the sake of greater security and to preserve the union existing between England and this country, it might be necessary to enact a penalty to be inflicted on such persons as might endeavour to excite hatred in the minds of the natives of India against the English nation. Secondly, that a penalty should be inflicted on such as might seditiously attempt to excite hostilities with neighbouring or friendly states. Although Your Majesty's faithful subjects are not aware that anything has yet occurred to call for the precautions thus anticipated, yet should such or any other limitations of the liberty of the Press be deemed necessary, they are perfectly willing to submit to additional penalties to be legally inflicted. But they must humbly enter their protest against the injustice of robbing them of their long standing privileges by the introduction of numerous arbitrary restrictions, totally uncalled for by the circumstances of the country—and whatever may be their intention, calculated to suppress truth, protect abuses—and encourage oppression.

39th. Your Majesty's faithful subjects now beg leave to call Your Majesty's attention to some peculiarly injurious consequences of the new laws that have thus been suddenly introduced in the manner above described. First, the above Rule and Ordinance

has deprived Your Majesty's faithful subjects of the liberty of the Press, which they had enjoyed for so many years since the establishment of the British Rule. Secondly, Your Majesty's faithful subjects are deprived of the protection of Your Majesty and the high council of the British nation, who have hitherto exclusively exercised the legislative power in this part of Your Majesty's dominions.

40th. If upon representations being made by the local authorities in the country, Your Majesty after due investigation had been pleased with the advice of the high council of the realm to order the abolition of the liberty of the Press in India, Your Majesty's faithful subjects, from the feeling of respect and loyalty due to the supreme legislative power, would have patiently submitted, since although they would in that case, still have lost one of their most precious privileges, yet their claim to the superintendence and protection of the highest legislative authority, in whom your faithful subjects have unbounded confidence, would still have remained unshaken; but were this Rule and Ordinance of the local government to be held valid, and thus remain as a precedent for similar proceedings in future, your faithful subjects would find their hope of protection from the supreme government, cut off, and all their civil and religious rights placed entirely at the mercy of such individuals as may be sent from England to assume the executive authority in this country, or rise into power through the routine of office, and who from long officiating in an inferior station, may have contracted prejudices against individuals or classes of men, which ought not to find shelter in the breast of the legislator.

41st. As it never has been imagined, or surmised in this country, that the government was in any immediate danger from the operation of the native Press, it cannot be pretended, that the public safety required strong measures to be instantly adopted, and that consequently there was not sufficient time to make a representation to the authorities in England, and wait for their decision, or that it was incumbent on the highest Judicial authority in India, to sanction an act so repugnant to the laws of England, which he has sworn to maintain inviolate.

42nd. If as Your Majesty's faithful subjects have been informed, this government were dissatisfied with the conduct of the English newspaper, called the "Calcutta Journal," the banishment of the Editor of that paper, and the power of punishing those left by him to manage his concern, should they also give offence, might have satisfied the government; but at any rate Your Majesty's faithful subjects, who are natives of this country,

against whom there is not the shadow of a charge, are at a loss to understand the nature of that justice which punishes them, for the fault imputed to others. Yet notwithstanding what the local authorities of this country have done, your faithful subjects feel confident, that Your Majesty will not suffer it to be believed throughout your Indian territories, that it is British justice to punish millions for the fault imputed to one individual.

43rd. The abolition of this most precious of their privileges, is the more appalling to Your Majesty's faithful subjects, because it is a violent infringement of their civil and religious rights, which under the British government, they hoped would be always secure. Your Majesty is aware, that under their former Muhammadan Rulers, the natives of this country enjoyed every political privilege in common with Mussulmans, being eligible to the highest offices in the state, entrusted with the command of armies and the government of provinces and often chosen as advisers to their Prince, without disqualification or degrading distinction on account of their religion or the place of their birth. They used to receive free grants of land exempted from any payments of revenue, and besides the highest salaries allowed under the government, they enjoyed free of charge, large tracts of country attached to certain offices of trust and dignity, while natives of learning and talent were rewarded with numerous situations of honour and emolument. Although under the British Rule, the natives of India, have entirely lost this political consequence, Your Majesty's faithful subjects were consoled by the more secure enjoyment of those civil and religious rights which had been so often violated by the rapacity and intolerance of the Mussulmans; and notwithstanding the loss of political rank and power, they considered themselves much happier in the enjoyment of civil and religious liberty than were their ancestors; but if these rights that remain are allowed to be unceremoniously invaded, the most valuable of them being placed at the mercy of one or two individuals, the basis on which they have founded their hopes of comfort and happiness under the British Power, will be destroyed.

44th. Your Majesty has been pleased to place this part of your dominions under the immediate control of the Court of Directors, and this honourable body have committed the entire management of this country (Calcutta excepted) to a number of gentlemen styled Civil Servants, usually under the superintendence of a Governor-General. These gentlemen who are entrusted with the whole administration, consist of three classes;

First, subordinate local officers, such as Judges of Districts, Magistrates, Collectors and commercial agents; Secondly, officers superior to them as Judges of Circuit, and Members of different Revenue and Commercial Boards, etc. Thirdly, those who fill the highest and most important offices as Judges of the Sudder Dewany Adalut, Secretaries to government, the Members of the Supreme Council, and sometimes to Civil Servant may rise to the highest office of Governor-General of India. In former times, native fathers were anxious to educate their children according to the usages of those days, in order to qualify them for such offices under government as they might reasonably hope to obtain; and young men had the most powerful motives for sedulously cultivating their minds, in the laudable ambition of rising by their merits to an honourable rank in society; whereas, under the present system, so trifling are the rewards; yet, Your Majesty's faithful subjects felt confident, that notwithstanding these unfavourable circumstances, the natives of India would not sink into absolute mental lethargy while allowed to aspire to distinction in the world of letters, and to exercise the liberty of the Press for their moral and intellectual improvement, which are far more valuable than the acquisition of riches or any other temporal advantages under arbitrary power.

45th. Those gentlemen propose and enact laws for the government of the extensive territory under their control, and also administer these laws; collect revenue of all sorts, and superintend manufactories carried on in behalf of the state; and they have introduced according to their judgement, certain judicial, commercial, and revenue systems, to which it may be supposed they are partial, as being their own, and therefore support them with their whole influence and abilities as of the most efficient and salutary character. It is also the established custom of these gentlemen to transmit official reports from time to time, to the Court of Directors, to make them acquainted with the mode in which the country is governed, and the happiness enjoyed by the people of this vast empire, from the manner in which the laws are administered.

46th. Granting that those gentlemen were infallible almost in their judgement and their systems nearly perfect; yet Your Majesty's faithful subjects may be allowed to presume, that the paternal anxiety which the Court of Directors have often expressed for the welfare of the many millions dependent upon them in a country situated at the distance of several thousand miles, would suggest to them the propriety of establishing some other means besides, to ascertain whether the systems introduced in

their Indian possessions, prove so beneficial to the natives of this country, as their authors might fondly suppose or would have others believe, and whether the Rules and Regulations which may appear excellent in their eyes, are strictly put in practice.

47th. Your Majesty's faithful subjects are aware of no means by which impartial information on these subjects can be obtained by the Court of Directors or other authorities in England, except in one of the two following modes: either, first, by the existence of a Free Press in this country and the establishment of newspapers in the different districts under the special patronage of the Court of Directors and subject to the control of law only, or secondly by the appointment of a commission composed of gentlemen of intelligence and respectability, totally unconnected with the governing body in this country, which may from time to time, investigate on the spot, the condition of Your Majesty's faithful subjects, and judge with their own eyes regarding the operation of the systems of law and jurisprudence under which they live.

48th. But the immense labour required for surveying a country of such extent, and the great expense that would be necessary to induce men of such reputation and ability as manifestly to qualify them for the important task, to undertake a work of such difficulty, which must be frequently repeated, present great, if not insuperable obstacles to the introduction or efficiency of the latter mode of proceeding by commission; from which Your Majesty's faithful subjects, therefore, do not entertain any sanguine expectations; unless Your Majesty influenced by human consideration for the welfare of your subjects, were graciously pleased to enjoin its adoption from a conviction of its expediency whatever might be the expense attending it.

49th. The publication of truth and the natural expression of men's sentiments through the medium of the Press, entail no burden on the state, and should it appear to Your Majesty and the enlightened men placed about your throne, that this precious privilege which is so essential to the well-being of your faithful subjects, could not safely be entrusted to the natives of India, although they have given such unquestionable proofs of their loyalty and attachment, subject only to the restraints wisely imposed upon the Press by the laws of England, your faithful subjects entreat on behalf of the countrymen, that Your Majesty will be graciously pleased to grant it, subject to such severer restraints and heavier penalties as may be deemed necessary; but legal restraints, not those of arbitrary power—and penalties to be inflicted after trial and conviction according to

the forms of the laws of England, not at the will and pleasure of one or two individuals without investigation or without hearing any defence or going through any of the forms prescribed by law, to ensure the equitable administration of justice.

50th. Notwithstanding the despotic power of the Mogul Princes who formerly ruled over this country, and that their conduct was often cruel and arbitrary, yet the wise and virtuous among them, always employed two intelligencers at the residence of their Nawabs or Lord Lieutenants, *Akhbar-navees*, or news-writer who published an account of whatever happened, and a *Khoofea-navees*, or confidential correspondent who sent private and particular account of every occurrence worthy of notice; and although these Lord Lieutenants were often particular friends or near relations to the Prince, he did not trust entirely to themselves for a faithful and impartial report of their administration, and degraded them when they appeared to deserve it, either for their own faults or for their negligence in not checking the delinquencies of their subordinate officers; which shows that even the Mogul Princes, although their form of government admitted of nothing better, were convinced, that in a country so rich and so replete with temptations, a restraint of some kind was absolutely necessary, to prevent the abuses that are so liable to flow from the possession of power.

51st. The country still abounds in wealth, and its inhabitants are still addicted to the same corrupt means of compassing their ends, to which from having long lived under arbitrary government, they have become naturally habituated; and if its present rulers have brought with them purer principles from the land of their birth which may better withstand the influence of long residence amid the numerous temptations to which they are exposed;—on the other hand, from the seat of the Supreme government being placed at an immense distance and the channel of communication entirely in their own hands, they are left more at liberty to follow their own interests, and looking forward to the quiet and secure enjoyment of their wealth in their native land, they may care little for the character they leave behind them in a remote country, among a people for whose opinion they have no regard. Your Majesty's faithful subjects, therefore, humbly presume, that the existence of a restraint of some kind, is absolutely necessary to preserve your faithful subjects from the abuses of uncontrolled power.

52nd. That Your Majesty may be convinced, that your faithful subjects do not allude merely to possible abuses, or joint out only theoretical defects in established systems, they beg leave

to call Your Majesty's attention to the observations contained in a Number of a most respectable Baptist Missionary work, the accuracy of which, although it has now been two years<sup>1</sup> in circulation, in all parts of India, not one of the numerous civil servants of the Honourable Company, has ventured to dispute nor have the flagrant abuses it points out, been remedied.

53rd. It might be urged on the other hand, that persons who feel aggrieved, may transmit representations to the Court of Directors, and thus obtain redress; but the natives of this country are generally ignorant of this mode of proceeding; and with neither friends in England nor knowledge of the country, they could entertain no hope of success, since they know that the transmission of their representations, depends in point of time, upon the pleasure of the local government, which will probably, in order to counteract their influence, accompany them with observations, the nature of which would be totally unknown to the complainants, discouragements which in fact have operated as complete preventives, so that no instance of such a representation from the natives of Bengal, has ever been known.

54th. In conclusion, Your Majesty's faithful subjects humbly beseech Your Majesty, first, to cause the Rule and Ordinance and Regulation before mentioned, which has been registered by the Judge of Your Majesty's Court, to be rescinded; and prohibit any authority in this country, from assuming the legislative power, or prerogatives of Your Majesty and the High Council of the Realm, to narrow the privileges and destroy the rights of Your Majesty's faithful subjects, who claim your protection, and are willing to submit to such laws, as Your Majesty with the advice of your Council, shall be graciously pleased to enact.

Secondly, Your Majesty's faithful subjects humbly pray, that Your Majesty will be pleased to confirm to them the privilege, they have so long enjoyed, of expressing their sentiments through the medium of the Press, subject to such legal restraints as may be thought necessary or that Your Majesty will be graciously pleased to appoint a commission of intelligent and independent gentlemen, to inquire into the real condition of the millions Providence has placed under your high protection.

55th. Your Majesty's faithful subjects from the distance of almost half the globe, appeal to Your Majesty's heart by the sympathy which forms a paternal tie between you and the lowest of your subjects, not to overlook their condition; they appeal to you

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<sup>1</sup> No. IV. Quarterly series of the *Friend of India*, published in December, 1821.

by the honour of that great nation which under your Royal auspices has obtained the glorious title of Liberator of Europe, not to permit the possibility of millions of your subjects being wantonly trampled on and oppressed; they lastly appeal to you by the glory of your Crown on which the eyes of the world are fixed, not to consign the natives of India, to perpetual oppression and degradation.





## **Crusade Against Suttee**

*Rammohun Roy waged a crusade against the practice of Suttee—the burning of Hindu widows, on the funeral pyre of their husbands. His humanitarian efforts met with resistance at the hands of the orthodox sections of the community who had organised themselves in a body called the Dharma Sabha. The British rulers, even while expressing horror at this practice, followed a policy of non-interference in what they considered to be religious matters.*

*Raja Rammohun Roy wrote copiously on the subject. In 1818, he published a tract in Bengali and translated it into English the same year under the title “Conference between an Advocate for and an Opponent of the practice of burning widows alive”. [Part I] In an introductory note or “Advertisement” to the English version, he wrote on the 30th November, 1818: “The little tract, of which the following is a literal translation, originally written in Bungla, has been for several weeks past in extensive circulation in those parts of the country where the practice of widows burning themselves on the pile of their husbands is most prevalent. An idea that the arguments it contains might tend to alter the notions that some European gentlemen entertain on the subject has induced the writer to lay it before the British public also in its present dress.”*

*In 1820, Raja Rammohun Roy published “A Second Conference between an Advocate for and an Opponent of the practice of burning widows alive.” [Part II] This essay, also a translation from the original in Bengali, he dedicated to Lady Hastings on the 26th February, 1820.*

*In 1830, he wrote another essay entitled “Abstract of the arguments regarding the burning of widows considered as religious rite.”*

*The protagonists of Suttee quoted the scriptures in support of the custom. Raja Rammohun Roy laid before the people a correct interpretation of the Hindu scriptures. He cited the Sastras to disprove the contention of orthodox Hindus that the practice had religious sanction behind it.*

*The die-hards kept up the pressure even after the Governor-General, Lord William Bentinck abolished Suttee by Legislation in 1829. They submitted a petition to the Governor-General, signed by 800 persons and backed by the opinion of 120 pundits. Rammohun Roy countered the move by submitting a congratulatory petition signed by numerous persons. The other side then filed a petition to the authorities in England, to be met by a counter-petition believed to have been drafted by Raja Rammohun Roy. The Privy Council, after hearing the case in July 1832, upheld the legislation abolishing Suttee. The Raja was personally present at the hearing.*

# Burning Widows Alive—Pros and Cons

## PART I

*Advocate.* I am surprised that you endeavour to oppose the practice of concremation and postcremation of widows<sup>1</sup> as long observed in this country.

*Opponent.* Those who have no reliance on the *Sastra*, and those who take delight in the self-destruction of women, may well wonder that we should oppose that suicide which is forbidden by all the *Sastras*, and by every race of men.

*Advocate.* You have made an improper assertion in alleging that concremation and postcremation are forbidden by the *Sastras*. Hear what Angira and other saints have said on this subject:

“That woman who, on the death of her husband, ascends the burning pile with him, is exalted to heaven, as equal to Arundhati.

“She who follows her husband to another world, shall dwell in a region of joy for so many years as there are hairs in the human body, or thirty-five millions.

“As a serpent-catcher forcibly draws a snake from his hole, thus raising her husband by her power, she enjoys delight along with him.

“The woman who follows her husband expiates the sins of three races; her father’s line, her mother’s line, and the family of him to whom she was given a virgin.

“There possessing her husband as her chiefest good, herself the best of women, enjoying the highest delights, she partakes of bliss with her husband as long as fourteen Indras reign.

“Even though the man had slain a Brahman, or returned evil for good, or killed an intimate friend, the woman expiates those crimes.

“There is no other way known for a virtuous woman except ascending the pile of her husband. It should be

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<sup>1</sup> When a widow is absent from her husband at the time of his death, she may in certain cases burn herself along with some relic representing the deceased. This practice is called *Anumaran* or *Postcremation*.

understood that there is no other duty whatever after the death of her husband."

Hear also what Vyasa has written in the parable of the pigeon:

"A pigeon, devoted to her husband, after his death entered the flames, and ascending to heaven, she there found her husband."

And hear Harita's words:

"As long as a woman shall not burn herself after her husband's death, she shall be subject to transmigration in a female form."

Hear too what Vishnu, the saint, says:

"After the death of her husband a wife must live as an ascetic, or ascend his pile."

Now hear the words of the *Brahma Purana*, on the subject of postcremation:

"If her lord dies in another country, let the faithful wife place his sandals on her breast, and pure enter the fire."

The faithful widow is declared no suicide by this text of the *Rig Veda*:

"When three days of impurity are gone she obtained obsequies."

Gotama says:

"To a Brahmani after the death of her husband, postcremation is not permitted. But to women of the other classes it is esteemed a chief duty."

"Living let her benefit her husband; dying she commits suicide."

"The woman of the Brahman tribe that follows her dead husband, cannot, on account of her self-destruction, convey either herself or her husband to heaven."

Concremation and postcremation being thus established by the words of many sacred lawgivers, how can you say they are forbidden by the *Sastras*, and desire to prevent their practice?

*Opponent.* All those passages you have quoted are indeed sacred law; and it is clear from those authorities, that if women perform concremation or postcremation, they will enjoy heaven for a considerable time. But attend to what Manu and others say respecting the duty of widows:

"Let her emaciate her body, by living voluntarily on pure flowers, roots, and fruits, but let her not, when her lord is deceased, even pronounce the name of another man. Let her continue till death forgiving all injuries, performing

harsh duties, avoiding every sensual pleasure and cheerfully practising the incomparable rules of virtue which have been followed by such women as were devoted to only one husband."

Here Manu directs, that after the death of her husband, the widow should pass her whole life as an ascetic. Therefore, the laws given by Angira and others whom you have quoted, being contrary to the law of Manu, cannot be accepted; because the *Veda* declared:

"Whatever Manu has said is wholesome;"

And Vrihaspati:

"Whatever law is contrary to the law of Manu is not commendable."

The *Veda* especially declares:

"By living in the practice of regular and occasional duties the mind may be purified. Thereafter by hearing, reflecting, and constantly meditating on the Supreme Being, absorption in Brahma may be attained. Therefore from a desire during life of future fruition, life ought not to be destroyed."

Manu, Yajnavalkya, and others have then, in their respective codes of laws prescribed to widows, the duties of ascetics only. By this passage of the *Veda*, therefore, and the authority of Manu and others, the words you have quoted from Angira and the rest are set aside; for by the express declaration of the former, widows after the death of their husbands, may, by living as ascetics, obtain absorption.

*Advocate.* What you have said respecting the laws of Angira and others, that recommended the practice of con-cremation and postcremation we do not admit: because, though a practice has not been recommended by Manu, yet, if directed by other lawgivers, it should not on that account be considered as contrary to the law of Manu. For instance, Manu directs the performance of *Sandhya*, but says nothing of calling aloud on the name of Hari; yet Vyasa prescribes calling on the name of Hari. The words of Vyasa do not contradict those of Manu. The same should be understood in the present instance. Manu has commended widows to live as ascetics; Vishnu and other saints direct that they should either live as ascetics or follow their husbands. Therefore the law of Manu may be considered to be applicable as an alternative.

*Opponent.* The analogy you have drawn betwixt the practice of *Sandhya* and invoking Hari, and that of con-cremation and postcremation does not hold. For, in the course of the day the

performance of *Sandhya*, at the prescribed time, does not prevent one from invoking Hari at another period; and, on the other hand, the invocation of Hari need not interfere with the performance of *Sandhya*. In this case, the direction of one practice is not inconsistent with that of the other. But in the case of living as an ascetic or undergoing concremation, the performance of the one is incompatible with the observance of the other. *Scil.* Spending one's whole life as an ascetic after the death of a husband, is incompatible with immediate concremation as directed by Angira and others; and, *vice versa*, concremation, as directed by Angira and others, is inconsistent with living as an ascetic, in order to attain absorption. Therefore those two authorities are obviously contradictory of each other. More especially as Angira, by declaring that "there is no other way known for a virtuous woman except ascending the pile of her husband," has made concremation an indispensable duty. And Harita also, in his code, by denouncing evil consequences, in his declaration, that "as long as a woman shall not burn herself after the death of her husband, she shall be subject to transmigration in a female form," has made this duty absolute. Therefore all those passages are in every respect contradictory to the law of Manu and others.

*Advocate.* When Angira says that there is no other way for a widow except concremation, and when Harita says that the omission of it is a fault, we reconcile their words with those of Manu, by considering them as used merely for the purpose of exalting the merit of concremation, but not as prescribing this as an indispensable duty. All these expressions, moreover, convey a promise of reward for concremation, and thence it appears that concremation is only optional.

*Opponent.* If, in order to reconcile them with the text of Manu, you set down the words of Angira and Harita, that make the duty incumbent, as meant only to convey an exaggerated praise of concremation, why do you not also reconcile the rest of the words of Angira, Harita, and others, with those in which Manu prescribes to the widow the practice of living as an ascetic as her absolute duty? And why do you not keep aloof from witnessing the destruction of females, instead of tempting them with the inducement of future fruition? Moreover, in the text already quoted, self-destruction with the view of reward is expressly prohibited.

*Advocate.* What you have quoted from Manu and Yajna-*valkya* and the text of the *Veda* is admitted. But how can you set aside the following text of the *Rig Veda* on the subject of

concremation?

“O fire! let these women, with bodies anointed with clarified butter, eyes coloured with collyrium, and void of tears, enter thee, the parent of water, that they may not be separated from their husbands, but may be, in unison with excellent husbands, themselves sinless and jewels amongst women.”

*Opponent.* This text of the *Veda*, and the former passages from the *Harita* and the rest whom you have quoted, all praise the practice of concremation as leading to fruition, and are addressed to those who are occupied by sensual desires; and you cannot but admit that to follow these practices is only optional. In repeating the *Sankalpa* of concentration, the desire of future fruition is declared as the object. The text therefore of the *Veda* which we have quoted, offering no gratifications, supersedes, in every respect, that which you have adduced, as well as all the words of *Angira* and the rest. In proof we quote the text of the *Kathopanishad*:

“Faith in God which leads to absorption is one thing; and rites which have future fruition for their object, another. Each of these, producing different consequences, hold out to man inducements to follow it. The man, who of these two chooses faith, is blessed: and he, who for the sake of reward practises rites, is dashed away from the enjoyment of eternal beatitude.”

Also the *Mundakopanishad*:

“Rites, of which there are eighteen members, are all perishable: he who considers them as the source of blessing shall undergo repeated transmigrations; and all those fools who, immersed in the foolish practice of rites, consider themselves to be wise and learned, are repeatedly subjected to birth, disease, death, and other pains. When one blind man is guided by another, both subject themselves on their way to all kinds of distress.”

It is asserted in the *Bhagavad Gita*, the essence of all the *Smritis*, *Puranas*, and *Itihasas*, that:

“All those ignorant persons who attach themselves to the words of the *Vedas* that convey promises of fruition, consider those falsely alluring passages as leading to real happiness, and say, that besides them there is no other reality. Agitated in their minds by these desires, they believe the abodes of the celestial gods to be the chief object; and they devote themselves to those texts which treat of ceremonies and their fruits, and entice by promises of enjoyment. Such people



can have no real confidence in the Supreme Being."

Thus also do the *Mundakopanishad* and the *Gita* state that, "the science by which a knowledge of God is attained is superior to all other knowledge." Therefore it is clear from those passages of the *Veda* and of the *Gita*, that the words of the *Veda* which promise fruition, are set aside by the texts of contrary import. Moreover, the ancient saints and holy teachers, and their commentators, and yourselves, as well as we and all others, agree that Manu is better acquainted than any other lawgiver with the spirit of the *Veda*. And he, understanding the meaning of those different texts, admitting the inferiority of that which promised fruition, and following that which conveyed no promise of gratifications, has directed widows to spend their lives as ascetics. He has also defined in his 12th chapter, what acts are observed merely for the sake of gratifications, and what are not.

"Whatever act is performed for the sake of gratifications in this world or the next is called *Prabartak*, and those which are performed according to the knowledge respecting God, are called *Nibartak*. All those who perform acts to procure gratifications, may enjoy heaven like the gods; and he who performs acts free from desires, procures release from the five elements of this body, that is, obtains absorption."

*Advocate.* What you have said is indeed consistent with the *Vedas*, with Manu, and with the *Bhagvad Gita*. But from this I fear, that the passages of the *Vedas* and other *Sastras*, that prescribe con cremation and post cremation as the means of attaining heavenly enjoyments, must be considered as only meant to deceive.

*Opponent.* There is no deception. The object of those passages is declared. As men have various dispositions, those whose minds are enveloped in desire, passion and cupidity, have no inclination for the disinterested worship of the Supreme Being. If they had no *Sastras* of rewards, they would at once throw aside all *Sastras*, and would follow their several inclinations, like elephants unguided by the hook. In order to restrain such persons from being led only by their inclinations, the *Sastra* prescribes various ceremonies, as *Syenayaga* for one desirous of the destruction of the enemy, *Putreshti* for one desiring a son, and *Jyotishtoma* for one desiring gratifications in heaven, etc.; but again reprobates such as are actuated by those desires, and at the same moment expresses contempt for such gratifications. Had the *Sastra* not repeatedly reprobated both those actuated by desire and the fruits desired by them, all those texts might be considered as

deceitful. In proof of what I have advanced I cite the following text of the *Upanishad*:

“Knowledge and rites together offer themselves to every man. The wise man considers which of these two is the better and which the worse. By reflecting, he becomes convinced of the superiority of the former, despises rites, and takes refuge in knowledge. And the unlearned, for the sake of bodily gratifications, has recourse to the performance of rites.”

The *Bhagavad Gita* says:

“The *Vedas* that treat of rites are for the sake of those who are possessed of desire : therefore, O Arjuna! do thou abstain from desires.”

Hear also the text of the *Veda* reprobating the fruits of rites:

“As in this world the fruits obtained from cultivation and labour perish, so in the next world fruits derived from rites are perishable.”

Also the *Bhagavad Gita*:

“Also those who observe the rites prescribed by the three *Vedas*, and through those ceremonies worship me and seek for heaven, having become sinless from eating the remains of offerings, ascending to heaven, and enjoying the pleasures of the gods, after the completion of their rewards, again return to earth. Therefore, the observers of rites for the sake of rewards, repeatedly, ascend to heaven, and return to the world, and cannot obtain absorption.”

*Advocate.* Though what you have advanced from the *Veda* and sacred codes against the practice of con cremation and post-cremation, is not to be set aside, yet we have had the practice prescribed by Harita and others handed down to us.

*Opponent.* Such an argument is highly inconsistent with justice. It is every way improper to persuade to self-destruction by citing passages of inadmissible authority. In the second place, it is evident from your own authorities, and the *Sankalpa* recited in conformity with them, that the widow should voluntarily quit life, ascending the flaming pile of her husband. But, on the contrary, you first bind down the widow along with the corpse of her husband, and then heap over her such a quantity of wood that she cannot rise. At the time too of setting fire to the pile, you press her down with large bamboos. In what passage of Harita or the rest do you find authority for thus binding the woman according to your practice? This then is, in fact, deliberate female murder.

*Advocate.* Though Harita and the rest do not indeed authorize this practice of binding etc., yet were a woman after having recited the *Sankalpa* not to perform con cremation it would be sinful, and considered disgraceful by others. It is on this account that we have adopted the custom.

*Opponent.* Respecting the sinfulness of such an act, that is mere talk: for in the same codes it is laid down, that the performance of a penance will obliterate the sin of quitting the pile. Or in case of inability to undergo the regular penance, absolution may be obtained by bestowing the value of a cow, or three *kahans* of cowries. Therefore the sin is no cause of alarm. The disgrace in the opinion of others is also nothing: for good men regard not the blame or reproach of persons who can reprobate those who abstain from the sinful murder of women. And do you not consider how great is the sin to kill a woman; therein forsaking the fear of God, the fear of conscience, and the fear of the *Sastras*, merely from a dread of the reproach of those who delight in female murder?

*Advocate.* Though tying down in this manner be not authorized by the *Sastras*, yet we practise it as being a custom that has been observed throughout Hindustan.

*Opponent.* It never was the case that the practice of fastening down widows on the pile was prevalent throughout Hindustan: for it is but of late years that this mode has been followed, and that only in Bengal, which is but a small part of Hindustan. No one besides who has the fear of God and man before him, will assert that male or female murder, theft etc., from having been long practised, cease to be vices. If, according to your argument, custom ought to set aside the precepts of the *Sastras*, the inhabitants of the forests and mountains who have been in the habits of plunder, must be considered as guiltless of sin, and it would be improper to endeavour to restrain their habits. The *Sastras*, and the reasonings connected with them, enable us to discriminate right and wrong. In those *Sastras* such female murder is altogether forbidden. And reason also declares, that to bind down a woman for her destruction, holding out to her the inducement of heavenly rewards, is a most sinful act.

*Advocate.* This practice may be sinful or anything else, but we will not refrain from observing it. Should it cease, people would generally apprehend that if women did not perform con cremation on the death of their husbands, they might go astray; but if they burn themselves this fear is done away. Their family and relations are freed from apprehension. And if the husband could be assured during his life that his wife would

follow him on the pile, his mind would be at ease from apprehensions of her misconduct.

*Opponent.* What can be done, if merely to avoid the possible danger of disgrace, you are unmercifully resolved to commit the sin of female murder. But is there not also a danger of a woman's going astray during the life-time of her husband, particularly when he resides for a long time in a distant country? What remedy then have you got against this cause of alarm?

*Advocate.* There is a great difference betwixt the case of the husband's being alive, and of his death; for while a husband is alive, whether he resides near or at a distance, a wife is under his control; she must stand in awe of him. But after his death that authority ceases, and she of course is divested of fear.

*Opponent.* The *Sastras* which command that a wife should live under the control of her husband during his life, direct that on his death she shall live under the authority of her husband's family, or else under that of her parental relations; and the *Sastras* have authorised the ruler of the country to maintain the observance of this law. Therefore, the possibility of a woman's going astray cannot be more guarded against during the husband's life than it is after his death. For you daily see, that even while the husband is alive, he gives up his authority, and the wife separates from him. Control alone cannot restrain from evil thoughts, words, and actions; but the suggestions of wisdom and the fear of God may cause both man and woman to abstain from sin. Both the *Sastras* and experience show this.

*Advocate.* You have repeatedly asserted, that from want of feeling we promote female destruction. This is incorrect, for it is declared in our *Vedas* and codes of law, that mercy is the root of virtue, and from our practice of hospitality, etc. our compassionate dispositions are well known.

*Opponent.* That in other cases you show charitable dispositions is acknowledged. But by witnessing from your youth the voluntary burning of women amongst your elder relatives, your neighbours and the inhabitants of the surrounding villages, and by observing the indifference at the time when the women are writhing under the torture of the flames, habits of insensibility are produced. For the same reason, when men or women are suffering the pains of death, you feel for them no sense of compassion, like the worshippers of the female deities who, witnessing from their infancy the slaughter of kids and buffaloes, feel no compassion for them in the time of their suffering death, while followers of Vishnu are touched with strong feelings of pity.

*Advocate.* What you have said I shall carefully consider.

*Opponent.* It is to me a source of great satisfaction, that you are now ready to take this matter into your consideration. By forsaking prejudice and reflecting on the *Sastras*, what is really conformable to its precepts may be perceived, and the evils and disgrace brought on this country by the crime of female murder will cease.

## PART II

*Advocate.* Under the title of *Vidhayak*, or Preceptor, I have offered an answer to your former arguments. That, no doubt, you have attentively perused. I now expect your reply.

*Opponent.* I have well considered the answer that, after the lapse of nearly twelve months, you have offered. Such parts of your answer as consist merely of a repetition of passages already quoted by us, require no further observations now. But as to what you have advanced in opposition to our arguments and to the *Sastras*, you will be pleased to attend to my reply.

In the first place, at the bottom of your 4th page you have given a particular interpretation to the following words of Vishnu, the lawgiver:

“*Mrite bhartari brahmacharyam tadanwarohanam va*”<sup>1</sup> meaning “after the death of her husband a woman shall become an ascetic, or ascend the funeral pile”, and implying that either alternative is optional. To this, you say, eight objections are found in the *Sastras*, therefore one of the alternatives must be preferred: that is to say, the woman who is unable to ascend the flaming pile shall live as an ascetic. This you maintain is the true interpretation; and in proof you have cited the words of the *Skanda Purana* and of Angira. I answer. In every country all persons observe this rule that meanings are to be inferred from the words used. In this instance the text of Vishnu is comprised in five words: 1st, *Mrite*, “on death”, 2nd, *bhartari*, “of a husband”, 3rd, *brahmacharya*, “asceticism”, 4th *tadanwarohanam*, “ascending his pile”, 5th, *va*, “or”. That is, “on the death of a husband, his widow should become an ascetic, or ascend his pile.” It appears, therefore, from asceticism being mentioned first in order, that this is the most pious conduct for a widow to follow. But your interpretation, that this alternative is only left for widows who are unable to ascend the flaming pile, can by no means be deduced from the words of the text; nor have any of the expounders of the *Sastras* so expressed themselves.

For instance, the author of the *Mitakshara*, whose authority is always to be revered, and whose words you have yourself quoted as authority in p. 27, has thus decided on the subject of con cremation: “The widow who is not desirous of final beatitude, but who wishes only for a limited term of a small degree of future fruition, is authorised to accompany her husband.”<sup>2</sup>

<sup>1</sup> मृते भर्तारि ब्रह्मचर्यं तदन्वारोहणं वा ।

<sup>2</sup> अतएव मोक्षमनिच्छन्त्या अनित्याल्पसुखरूपस्वर्गादिभ्या,  
अनुगमनं युक्तमितरकाम्यानुष्ठानवदिति सर्वमनवद्यम् ।

The *Smarta Bhattacharya* (Raghunandana, the modern law commentator of Bengal) limited the words of Angira, that "besides con cremation there is no other pious course for a widow", by the authority of the foregoing text of Vishnu; and authorised the alternative of a widow living as an ascetic, or dying with her husband, explaining the words of Angira as conveying merely the exaggerated praise of con cremation.

Secondly. From the time that *Sāstras* have been written in Sanskrit, no author or man of learning has ever asserted, as you have done, that the person who, desirous of the enjoyments of heaven, is unable to perform the rites leading to fruition, may devote himself to the attainment of final beatitude. On the contrary, the *Sastras* uniformly declare that who are unable to pursue final beatitude, may perform rites, but without desire; and persons of the basest minds who do not desire eternal beatitude, may even perform rites for the sake of their fruits.

As Vasishtha declares:

"The person who does not exert himself to acquire that knowledge of God which leads to final absorption, may perform ceremonies without expectation of reward."<sup>1</sup>

"To encourage and improve those ignorant persons, who looking only to pleasure, cannot distinguish betwixt what is God and not God, the *Sruti* has promised rewards."<sup>2</sup>

*Bhagavad Gita:*

"If you are unable to acquire by degrees divine knowledge, be diligent in performing works with a view to please me, that by such works you may acquire a better state. If you are unable even to perform rites solely for my sake, then, controlling your senses, endeavour to perform rites without the desire of fruition."<sup>3</sup>

Therefore, to give the preference to self-immolation, or to the destruction of others, for the sake of future reward, over asceticism, which gives a prospect of eternal beatitude, is to treat with contempt the authorities of the *Vedas*, the *Vedānta*, and other *Darsanas*, as well as of the *Bhagavad Gita* and many others. As the

<sup>1</sup> यस्यै न रोचते ज्ञानमध्यात्मं मोक्षसाधनम्।

ईशापितेन चित्तेन यजेन्निष्कामकर्मणा ॥

<sup>2</sup> मूढानां भोगदृष्टीनामात्मानात्मविवेकिनाम्।

रुचये चाधिकाराय विदधाति फलं श्रुतिः ॥

<sup>3</sup> अस्यासेऽप्यसमर्थोऽसि मत्कर्मपरमो भव।

मदर्थमपि कर्माणि कुर्वन् सिद्धिमवाप्स्यसि ॥

अथैतदप्यशक्तोऽसि कर्तुं मद्योगमाश्रितः।

सर्वकर्मफलत्यागं ततः कुरु यतात्मवान् ॥

*Veda* says:

“Knowledge and rites both offer themselves to man; but he who is possessed of wisdom, taking their respective nature into serious consideration, distinguishes one from the other, and chooses faith, despising fruition; while a fool, for the sake of advantage and enjoyment, accepts the offer of rites.”<sup>1</sup>

Without entirely rejecting the authority of the *Gita*, the essence of all *Sastras*, no one can praise rites performed for the sake of fruition, nor recommend them to others; for nearly half of the *Bhagavad Gita* is filled with the dispraise of such works, and with the praise of works performed without desire of fruition. A few of those passages have been quoted in the former conference, and a few others are here given.

“Works performed, except for the sake of God, only entangle the soul. Therefore, O Arjuna, forsaking desire perform works with the view to please God.”<sup>2</sup>

“The person who performs works without desire of fruition, directing his mind to God, obtains eternal rest. And the person who is devoted to fruition, and performs works with desire, he is indeed inextricably involved.”<sup>3</sup>

“Oh, Arjuna, rites performed for the sake of fruition are degraded far below works done without desire, which lead to the acquisition of the knowledge of God. Therefore perform thou works without desire of fruition, with the view of acquiring divine knowledge. Those who perform works for the sake of fruition are most debased.”<sup>4</sup>

“It is my firm opinion, that works are to be performed forsaking their consequences, and the prospect of their fruits.”<sup>5</sup>

The *Gita* is not a rare work, and you are not unacquainted with it. Why then do you constantly mislead women, unacquainted with the *Sastras*, to follow a debased path, by

<sup>1</sup> श्रेयश्च प्रेयश्च मनुष्यमेतस्तौ सम्परीत्य विविनक्ति धीरः ।

श्रेयो हि धीरोऽभिप्रेयसी वृणीते प्रेयो मन्दो योगक्षेमाद् वृणीते ॥

<sup>2</sup> यज्ञार्थात् कर्मणोऽन्यत्र लोकोयं कर्मबन्धनः ।

तदर्थं कर्म कौन्तेय मुक्तसङ्गः समाचर ॥

<sup>3</sup> युक्तः कर्मफलं त्यक्त्वा शान्तिमाप्नोति नैष्ठिकीम् ।

अयुक्तः कामकारेण फले सक्तो निबध्यते ॥

<sup>4</sup> दूरेण ह्यवरं कर्म बुद्धियोगाद्धनञ्जय ।

बुद्धौ शरणमन्विच्छ कृपणाः फलहेतवः ॥

<sup>5</sup> एतान्यपि तु कर्माणि सङ्गं त्यक्त्वा फलानि च ।

कर्तव्याणीति मे पार्थ निश्चितं मतमुत्तमम् ॥



holding out to them as temptations the pleasure of futurity, in defiance of all the *Sastras*, and merely to please the ignorant?

You have said, that eight objections are to be found in *Sastras* to the optional alternative deduced from the works of Vishnu.

To this I reply.

Firstly. To remove an imaginary difficulty, a violation of the obvious interpretation of words, whose meaning is direct and consistent, is altogether inadmissible.

Secondly. Former commentators, finding no such objection to the interpretation given to the words of Vishnu, as following the optional alternative of asceticism or con cremation, have given the preference to asceticism. The author of the *Mitakshara*, quoting this text of Vishnu in treating of con cremation, makes no allusion to such an objection, but finally declares in favour of asceticism.

Thirdly. Even allowing an optional alternative to be liable to the eight objections, former authors have on many occasions admitted such an alternative. For example:

*Sruti*. "Oblations are to be made of wheat or of barley."<sup>1</sup>

But the meaning of this is not, according to your mode of interpretation, "That if it cannot be made of barley, an offering is to be made of wheat."

"Burnt Offering is to be made at sunrise or before sunrise."<sup>2</sup>

In this instance your mode of explanation may be applied; but no authors have ever given such an interpretation, but all have admitted the alternative to be optional.

उपासीत जगन्नाथं शिवम्वा जगतां पतिम् ।

Here also, according to your opinion, the meaning would be, that if you cannot worship Siva you should worship Vishnu. But no authors have ever given such an interpretation to those words, and to give more or less worship to Siva than to Vishnu is quite contrary to the decision of all the *Sastras*.

Fourthly. The following text has also been quoted by you in opposition to the optional alternative in question, taken as you assert from the *Skanda Purana*:

"On the death of her husband, if by chance a woman is unable to perform con cremation, nevertheless she should preserve the virtue required of widows. If she cannot

<sup>1</sup> ऋहिभिर्यजेत यवैर्यजेत ।

<sup>2</sup> उदिते जुहोति अनुदिते जुहोति ॥

preserve that virtue, she must descend to hell.”<sup>1</sup>

To confirm this text you have quoted the words of Angira:

“There is no other pious course for a widow besides concremation;”<sup>2</sup> which you have interpreted, that “for a widow there is no other course so pious.”

I answer, the words of Angira are express, that there is no other pious course for a widow than concremation. And the *Smarta* commentator, having thus interpreted the text in reconciling it with the words of Vishnu already quoted, declares, that it conveys merely exaggerated praise of concremation.

But you, in opposition to the true meaning of the expression and to the interpretation given by the *Smarta* commentator, have explained those words to suit your own argument, that there is no other course more pious than that of concremation. Perverting thus the meaning of the *Sastras*, what benefit do you propose by promoting the destruction of feeble woman, by holding up the temptation of enjoyments in a future state? This I am at a loss to understand.

If the passage you have quoted from the *Skanda Purana* really exist, the mode in which the *Smarta* commentator has explained the words of Angira (“there is no other virtuous course,”) must be applied to those of the *Skanda Purana*, viz., that the text of the *Skanda Purana* which contradicts Manu, Vishnu, and others, is to be understood as merely conveying exaggerated praise; because, to exalt concremation, which leads to future enjoyments that are treated as despicable by the *Upanishads* of the *Vedas* and *Smriti*, and by the *Bhagavad Gita*, above asceticism, in which the mind may be purified by the performance of works without desire, that may lead to eternal beatitude, is every way inadmissible, and in direct opposition to the opinions maintained by ancient authors and commentators.

## SECTION II

In the latter end of the 7th page you have admitted, that the sayings of Angira, Vishnu, and Harita, on the subject of concremation, are certainly at variance with those of Manu; but assert, that any law given by Manu, when contradicted by several other lawgivers, is to be considered annulled: therefore, his authority in treating of the duties of widows is not admissible,

<sup>1</sup> अनुयाति न भर्तारं यदि दैवात् कथञ्चन ।

तथापि शीलं संरक्ष्यं शीलमङ्गात् पतत्यधः ।

<sup>2</sup> नान्यो हि धर्मो विज्ञेयो मृते भर्तारि कश्चित् ।

on account of the discord existing between it and passages of Harita, and Vishnu and others. With a view to establish this position you have advanced three arguments. The first of them is, that Vrihaspati says, "whatever law is contrary to the law of Manu, is not commendable,"<sup>1</sup> in which the nominative case, "whatever law," as being used in the singular number, signifies, that in case laws, given by a single person, stand in opposition to those of Manu they are not worthy of reverence, but if several persons differ from Manu in any certain point, his authority must be set aside.

I reply. It has been the invariable practice of ancient and modern authors, to explain all texts of law so as to make them coincide with the law of Manu. They in no instance declare that the authority of Manu is to be set aside, in order to admit that of any other lawgiver. But you have, on the contrary, set aside the authority of Manu, on the ground of inconsistency with the words of two or three other authors. In this you not only act contrary to the practice of all commentators, but moreover in direct opposition to the authority of the *Veda*. For the *Veda* declares, "whatever Manu lays down, that is commendable,"<sup>2</sup> which text you have yourself quoted in p. 7. And as to what you have said respecting the words of Vrihaspati as being in the singular number, and therefore, only applicable to a case in which Manu is opposed by only one lawgiver, it is obvious that the word "whatever", being a general term, includes every particular case falling under it; and therefore his law must be followed, whatever number of authors there may be who lay down a different direction. And the reason of this is expressed in the former part of the verse of Vrihaspati, that "Manu has in his work collected the meaning of the *Vedas*." From this it follows that whatever law is inconsistent with the code of Manu, which is the substance of the *Veda*, is really inconsistent with the *Vedas* itself, and therefore inadmissible. Admitting the justice of your explanation of Vrihaspati's text, that the authority of any individual lawgiver, who is inconsistent with Manu, must be set aside, but that when several authorities coincide in laying down any rule inconsistent with his law, they are to be followed, one might on the same principle give a new explanation to the following text:

"The person who attempts to strike a Brahman goes to the hell called *Satnayata*, or of a hundred punishments; and he who actually strikes a Brahman, goes to the hell of *Sahas-*

<sup>1</sup> मन्वर्थविपरीता या सा स्मृतिर्न प्रशस्यते ।

<sup>2</sup> यत् किञ्चिन्मनुरवदत्तद्वै भेषजं । श्रुतिः ।

*rayat*, or a thousand punishments.”<sup>1</sup>

Here, also, the noun in the nominative case, and that in the accusative case also, are both in the singular number; therefore, according to your exposition, where two or three persons concur in beating a Brahman, or where a man beats two or three Brahmans, there is no crime committed. There are many similar instances of laws, the force of which would be entirely frustrated by your mode of interpretation.

You have argued in the second place that the practice of concremation is authorised by a text of the *Rig Veda*, and consequently the authority of Manu is superseded by a higher authority.

I reply. In the 12th line of the 9th page of your tract, you have quoted and interpreted a text of the *Vedas*, expressing “that the mind may be purified so as to seek a knowledge of God from which absorption may accrue, by the performance of the daily and occasional ceremonies, without the desire of fruition; therefore, while life may be preserved, it ought not to be destroyed.” With this then and all similar texts, there is the most evident concord with the words of Manu. Notwithstanding your admission to this effect, you assert that the authority of the *Vedas* contradicts the declaration of Manu. From the text already quoted, “that whatever Manu has declared is to be accepted”, it follows that there can be no discrepancy between Manu and the *Veda*. But that is certainly an apparent inconsistency between the text quoted from the ceremonial part of the *Rig Veda* authorising concremation, and that above quoted from the spiritual parts of the *Veda* to which the celebrated Manu has given the preference, well aware that such parts of the *Veda* are of more authority than the passage relating to debased ceremonies. He has accordingly directed widows to live, practising austerities. The text of the *Rig Veda*, of course, remains of force to those ignorant wretches who are fettered with the desire of fruition, which debars them from the hope of final beatitude. This too has been acknowledged by yourself, in p.11, line 17, and was also fully considered in the first Conference, p. 13, line 18. You cannot but be aware too, that when there is doubt respecting the meaning of any text of the *Veda*, that interpretation which has been adopted by Manu is followed by both ancient and modern authors. In the *Bhavishya Purana*, Mahadeva gave instructions for the performance of a penance for wilfully slaying a Brahman; but observing that this was at variance with the words of Manu, which declare that there is no expiation for wilfully killing a Brahman, he does not

<sup>1</sup> यो ब्राह्मणायावगुरेत्तं शतेन यातयेत् यो निहन्यात् तं सहस्रेण । श्रुतिः ।

set aside the text of Manu founded on the *Vedas* by his own authority, but explains the sense in which it is to be accepted:

“The object of the declaration of Manu that there is no expiation for the wilful murder of a Brahman, was the more absolute prohibition of the crime; or it may be considered as applicable to Kshatriyas, and the other tribes.”<sup>1</sup>

The great Mahadeva, then, did not venture to set aside the words of Manu, but you have proposed to set up the texts of Harita and Angira as of superior authority.

Thirdly. You have quoted, with the view of doing away with the authority of Manu the text of Jaimini, signifying that if there be a difference of opinion respecting a subject, then the decision of the greater number must be adopted; and therefore, as the authority of Manu, in the present instance, is at variance with several writers, it must yield to theirs.

I reply. It is apparent that this text, as well as common sense, only dictates, that where those who differ in opinion are equal in point of authority, the majority ought to be followed; but if otherwise, this text is not applicable to the case. Thus the authority of the *Veda*, though single, cannot be set aside by the concurrent authorities of a hundred lawgivers; and in like manner the authority of Manu which is derived immediately from the *Veda*, cannot be set aside by the contradicting authorities of the others either singly or collectively. Moreover, if Angira, Harita, Vishnu, and Vyasa, authorised widows to choose the alternative of concremation, or of living as ascetics, on the other hand, besides Manu, Yajnavalkya, Vasishtha, and several other lawgivers have prescribed asceticism only. Why, therefore, despising the authorities of Manu and others, do you persist in encouraging weak women to submit to murder, by holding out to them the temptations of future pleasures in heaven?

### SECTION III

The quotation from the *Mundaka Upanishad* and *Bhagavad Gita*, which we quoted in our first Conference, to show the light in which rites should be held, you have repeated; and have also quoted some texts of the *Vedas* directing the performance of certain rites, such as, “He who desires heavenly fruition shall perform the sacrifice of horse.”<sup>2</sup>

<sup>1</sup> कामतो ब्राह्मणवधे यदेतन्मनुनोदितम् ।

एकान्ततो विप्रवधवर्जनार्थमुदीरितम् ।

यद्वा क्षत्रादि विषयमेतद्वै वचनं विदुः ॥

<sup>2</sup> स्वर्गकामोऽश्वमेधेन यजेत ।

In page 17 you have given your final conclusion on the subject to this effect: "That rites are not prohibited, but that pious works performed without desire are preferable to works performed for the sake of fruition; and he also who performs those works without desire, is superior to him who performs works for the sake of fruition." If then works without desire are acknowledged by you to be superior to works with desire of fruition, why do you persuade widows to perform work for the sake of fruition, and do not recommend to them rather to follow asceticism, by which they may acquire eternal beatitude? And with respect to your assertion, that "rites are not prohibited", this is inconsistent with the *Sastras*; for if all the texts of the *Vedas* and lawgivers, prohibiting rites, were to be quoted, they would fill a large volume; (of these a few have been already quoted by me in pp. 5-6.). There are indeed *Sastras* directing the performance of rites for the sake of fruition, but these are acknowledged to be of less authority than those which prohibit such rites; as is proved by the following text from the *Mundaka Upanishad*:

"*Sastras* are of two sorts, superior and inferior; of these the superior are those by which the Eternal God is approached."<sup>1</sup>

In the *Bhagavad Gita* Krishna says:

"Amongst *Sastras*, I am those which treat of God."<sup>2</sup>

In the *Sri Bhagavat* is the following text:

"Ill-minded persons, not perceiving that the object of the *Veda* is to direct us to absorption, call the superficially tempting promises of rewards their principal fruit; but such as know the *Vedas* thoroughly do not hold this opinion."<sup>3</sup>

The passages directing works for the sake of fruition are therefore adapted only for the most ignorant. Learned men should endeavour to withdraw all those ignorant persons from works performed with desire, but should never, for the sake of profit, attempt to drown them in the abyss of passion. Raghunandana quotes and adopts the following words:

<sup>1</sup> द्वे विद्ये वेदितव्ये परा चैवापरा च  
अथ परा यया तदक्षरमधिगम्यते ।

<sup>2</sup> अध्यात्मविद्या विद्यानाम् ।

<sup>3</sup> एवं व्यवसितं केचिद्विज्ञाय कुबुद्धयः ।

फलभृतिं कृसुमितां न वेदज्ञा वदन्ति हि ॥

पण्डितेनापि मूर्खः काम्ये कर्मणि न प्रवर्तयितव्यः भागवते,

स्वयं निःश्रेयसे विद्वान् न वक्तव्यज्ञाय कर्म हि ।

न राति रोगिणेऽप्ययं बाष्कतेऽपि मिषन्तमः ॥

“Learned men should not persuade the ignorant to perform rites for the sake of fruition, for it is written in the *Purana*, that he who knows the path to eternal happiness will not direct the ignorant to perform works with desire, as the good physician refuses to yield to the appetite of his patient for injurious food.”

#### SECTION IV

In page 17, line 13, of your treatise, you have said, that the *Sastra* does not admit that widows, in giving up the use of oil, and betel and sexual pleasures, etc., as ascetics, perform works without desire, and acquire absorption. And for this you advance two proofs: the first, that it appears that Manu directs that a widow should continue till death as an ascetic, *aiming* to practise the incomparable rules of virtue that have been followed by such women as were devoted to only one husband. From the word *aiming*, it follows, that the duties of an ascetic, to be practised by widows, are of the nature of those performed with desire. Secondly. From the subsequent words of Manu it appears, that those widows who live austere lives ascend to heaven like ascetics from their youth; therefore from the words *ascending to heaven*, it is obvious that the austerities that may be performed by them are for reward.

I reply. I am surprised at your assertion, that austerities practised by widows cannot be considered as performed without desire, and leading to absorption; for whether austerities or any other kind of act be performed with desire or without desire, must depend on the mind of the agent. Some may follow asceticism or other practices for the sake of heavenly enjoyments, while others, forsaking desire of fruition, may perform them, and at length acquire final beatitude. Therefore, if a widow practise austerities without the desire of fruition, and yet her acts are asserted to be with desire of fruition, this amounts to a setting at defiance both experience and the *Sastras*, in a manner unworthy of a man of learning like yourself. As to what you have observed respecting the word *aiming* in the text of Manu, it never can be inferred from the use of that word, that the asceticism of widows must necessarily be with desire; for with the object of final beatitude, we practise the acquisition of the knowledge of God, which no *Sastras* nor any of the learned has ever classed amongst works performed with desire of fruition. For no man possessed of understanding performs any movement of mind or body without an object. It is those works only, therefore, that are performed for the sake of corporeal enjoyment, either in the present or in a future state of existence, that are said to be with desire, and that

are, as such, prohibited, as Manu defines:

“Whatever act is performed for the sake of gratifications in this world or the next is called *Prabarttak*; and those which are performed according to the knowledge of God, are called *Nibarttak*.”<sup>1</sup>

As to your second argument, that widows leading an ascetic life are rewarded by a mansion in heaven, I reply; that from these words it does not appear that austerities should necessarily be reckoned amongst works performed for reward; for a mansion in heaven is not granted to those alone who perform works with desire; but also to those who endeavour to acquire a knowledge of God, but come short of attaining it in this life. They must after death remain for a long time in the heaven called the *Brahmaloka*, and again assume a human form, until they have, by perfecting themselves in divine knowledge, at length obtained absorption. The *Bhagavad Gita* says distinctly:

“A man whose devotions have been broken off by death, having enjoyed for an immensity of years the rewards of his virtues in the regions above, at length is born again in some holy and respectable family.”<sup>2</sup>

Kulluka Bhatta, the commentator on Manu says expressly in his observations on the text of his author, that those ascetic widows ascend to heaven like Sanaka, Balakhilya and other devotees from their youth. By this, it is clearly shown, that, those widows ascend to heaven in the same way as those pious devotees who have already acquired final beatitude, which can only be attained by works performed without desire. And hence the austerities of widows must be reckoned amongst works without desire.

## SECTION V

In page 18, you have asserted that a widow who undergoes concremation has a higher reward than she who lives as a devotee; for the husband of the woman who performs concremation, though guilty of the murder of a Brahman, or of ingratitude or treachery towards a friend, has his sins, by her act, expiated, and is saved from hell, and her husband's, her father's, and her mother's progenitors, are all beatified, and she herself is delivered from female form.

I reply. You have stated in page 27, commencing at the 3rd line, that works without desire are preferable to those

<sup>1</sup> इह वामुत्र वा काम्यं प्रवृत्तं कर्म क्लीयते ।

निष्कामं ज्ञानपूर्वतु निवृत्तमुपदिश्यते ॥

<sup>2</sup> प्राप्य पुण्यकृतां लोकानुषित्वा शाश्वतीः समाः ।

शुचीनां श्रीमतां गेहे योगभ्रष्टोऽभिजायते ॥



performed for the sake of fruition; while here again you say, that con cremation is preferable to asceticism. You have, however, assigned as a reason for your new doctrine, that con cremation saves progenitors as well as the husband. I have already shown, that such promises of reward are merely held out to the most ignorant, in order to induce them to follow some kind of religious observance, and to withdraw from evil conduct. Therefore, to prefer works performed with a desire of fruition, to works without desire, merely on the ground of such exaggerated promises, is contrary to all the *Sastras*. If, in defiance of all the *Sastras*, you maintain that such promises of reward are to be understood literally, and not merely as incitements, still there can be no occasion for so harsh a sacrifice, so painful to mind and body, as burning a person to death in order to save her lines of progenitors; for by making an offering of one ripe plantain to Siva, or a single flower of Karabir, either to Siva or to Vishnu, thirty millions of lines of progenitors may be saved.

“He, who maketh an oblation of a single ripe plantain to Siva, shall with thirty millions of races of progenitors ascend to the heaven of Siva.”<sup>1</sup>

“By presenting a single Karabir, white or not white, to Vishnu or Siva, thirty millions of races of progenitors are exalted to heaven.”<sup>2</sup>

Nor is there any want of promise of reward to those who perform works without desire. In fact, rather more abundant rewards are held out for such works than those you can quote for the opposite practice.

“Those who have acquired knowledge in the prescribed mode can, by mere volition, save any number of progenitors; and all the gods offer worship to the devotees of the Supreme Being.”<sup>3</sup>

A volume filled with texts of this kind might be easily written. Moreover, should even the least part of any ceremony performed for reward be omitted or mistaken, the fruits are destroyed, and evil is produced. But there is no bad consequence from a failure in works performed without desire, for the completion of these, even in part, is advantageous. In

<sup>1</sup> एकं मोक्षाफलं पक्वं यः शिवाय निवेदयेत् ।

त्रिकोटिकुलसंयुक्तः शिवलोके महीयते ॥

<sup>2</sup> एकेन करवीरेण सितेनाप्यसितेन वा ।

हरिं वा हरमभ्यर्च्य त्रिकोटिकुलमुद्धरेत् ॥

<sup>3</sup> संकल्पादेवास्य पितरः समुत्पिच्छन्ति,

सर्वे देवा अस्मै वस्त्रमाहुरन्ति

proof I quote the *Bhagavad Gita*:

“Works without desire, if only commenced, are never without advantage; and if any member be defective, evil consequences do not ensue, as in works performed with desire. And the performance of even a small portion of a work without desire brings safety.”<sup>1</sup>

There is evidently a possibility of a failure in some portion of the rite of concremation or postcremation, particularly in the mode in which you perform the ceremony contrary to the directions of the *Sastras*. What connection is there betwixt that mode and the enjoyment of temporary heavenly gratification—a mode which only subjects the widow to the consequences of a violent death?

## SECTION VI

Again in p. 17, line 3, you admit it to be more commendable for a widow to attend to the acquisition of knowledge than to die by concremation; but afterwards, in order to persuade them to the practice of concremation, and to prevent them from pursuing the acquisition of knowledge, you observe, that women are naturally prone to pleasure, are extremely devoted to works productive of fruits, and are always subject to their passions. To persuade such persons to forsake concremation, in order to attempt the acquisition of knowledge is to destroy their hopes in both ways. In support of your opinion you have quoted the *Gita*:

“Those ignorant persons who are devoted to works ought not to be dissuaded from performing them.”<sup>2</sup>

I reply. Your object in persuading women to burn themselves may now be distinctly perceived; you consider women, even of respectable classes, as prone to pleasure, and always subject to their passions; and therefore you are apprehensive lest they should lose both prospects of hope, by giving up concremation, and attempting to acquire knowledge. For this reason you lead them to the destruction of their lives, by holding out to them the temptation of future rewards. It is very certain that all mankind, whether male or female, are endowed with a mixture of passions; but by study of the *Sastras*, and frequenting the society of respectable persons, those passions may be gradually subdued and the capability of enjoying an exalted state may be attained. We ought, therefore, to endeavour to withdraw both men and women from debased sensual pleasures, and not to

<sup>1</sup> नेहातिक्रमनाशोऽस्ति प्रत्यवायो न विद्यते ॥

स्वल्पमप्यस्य धर्मस्य त्रायते महतो भयात् ।

<sup>2</sup> न बुद्धिभेदं जनयेदज्ञानां कर्मसङ्गिनाम् ।

persuade them to die with the hope of thereby obtaining sensual enjoyments, by which after a certain period of gratification, they are again immersed in the pollutions of the womb, and subjected to affliction. The *Sastras* have directed those men or women, who seek after a knowledge of God, to hear and reflect upon this doctrine, that they may escape from the grievous pain of this world; and they have also prescribed daily and occasional rites to be performed without the hope of reward by those who do not seek after divine knowledge in order that their minds may be purified, and prepared to receive that knowledge. We, therefore, in conformity with the *Sastras*, make it our endeavour to dissuade widows from desiring future base and fleeting enjoyments, and encourage them to the acquisition of that divine knowledge which leads to final beatitude. Widows, therefore, by leading an ascetic life in the performance of duties without desire, may purify their minds and acquire divine knowledge, which may procure for them final beatitude. And consequently there is no reason why they should lose both objects of future hope by forsaking con cremation.

“Oh Arjuna, by placing their reliance on me, women and those of the lower classes of Vaisya and Sudra may obtain the highest exaltation.”<sup>1</sup>

You, however, considering women devoted to their passions and consequently incapable of acquiring divine knowledge, direct them to perform con cremation; and maintain that, if any amongst them should not burn with their husbands, according to your final decision from the *Sastras*, they must lose the hopes that belong to both practices; because according to your opinion, they are entirely incapable of acquiring divine knowledge, and by not adopting con cremation, they give up the prospect of future gratifications. As to your quotation from the *Gita*, to show that persons devoted to works ought not to be dissuaded from the performance of them, it may be observed that this text applies only to rites offered without desire of rewards, though applied by you to works performed for the sake of future enjoyment, in direct inconsistency with the authority of the *Gita*. The object of this, as well as of all texts of the *Gita*, is to dissuade men from works performed with desire. The *Gita* and its commentaries are both accessible to all. Let the learned decide the point.

You have quoted the following text of Vasishtha:

“He who being devoted to worldly pleasures boasts, saying, ‘I am a knower of God,’ can neither obtain the

<sup>1</sup> मां हि पार्थ व्यपाश्रित्य येऽपि स्युः पापबोनयः ।

स्त्रियो वैश्यास्तथा शूद्रास्तेऽपि यान्ति परां गतिम् ॥

consequences procurable from works, nor attain final beatitude, the fruit of divine knowledge.”<sup>1</sup>

I admit the force of this text. For whether a man be devoted to worldly pleasures or not, if he be a boaster either of divine knowledge or of any other acquirement, he is indeed most despicable; but I am unable to see how this text, which forbids vain glory, is applicable to the question before us, which relates to the con cremation of widows.

## SECTION VII

In your 20th page, you have stated for us, that we do not object to the practice of con cremation, but to the tying down of the widow to the pile before setting it on fire.

I reply. This is very incorrect, for it is a gross misrepresentation of our argument; because con cremation or post cremation is a work performed for the sake of future reward, which the *Upanishad* and the *Gita*, and other *Sastras*, have declared to be most contemptible. Consequently, relying on those *Sastras*, it has been always our object to dissuade widows from the act of con cremation or post cremation, that they might not, for the sake of the debased enjoyment of corporeal pleasures, renounce the attainment of divine knowledge. As to the mode in which you murder widows by tying them to the pile, we do exert ourselves to prevent such deeds, for those who are witnesses to an act of murder, and neglect to do anything towards its prevention, are accomplices in the crime.

In justification of the crime of burning widows by force, you have stated, towards the foot of the same page, that in those countries where it is the custom for widows to ascend the flaming pile, there cannot be any dispute as to the propriety of following that mode; but where that is not the mode followed, and it is the practice for those that burn the corpse to place a portion of fire contiguous to the pile, so that it may gradually make its way to the pile, and at that time the widow, according to the prescribed form, ascends the pile, in this mode also there is nothing contrary to the *Sastras*. You have at the same time quoted two or three authorities to show, that rites should be performed according to the custom of the country.

I reply. Female murder, murder of a Brahman, patricide, and similar heinous crimes, cannot be reckoned amongst pious acts by alleging the custom of a country in their behalf; by such customs rather the country in which they exist is itself

<sup>1</sup> सांसारिकसुखासक्तं ब्रह्मशोस्मीतिवादिनम् ।

कर्म ब्रह्मोभयघ्नष्टं इत्यादि ।

condemned. I shall write more at large to this purpose in the conclusion. The practice, therefore, of forcibly tying down women to the pile, and burning them to death, is inconsistent with the *Sastras*, and highly sinful. It is of no consequence to affirm, that this is customary in any particular country—if it were universally practised, the murders would still be criminal. The pretence that many are united in the commission of such murder will not secure them from divine vengeance. The customs of a country of a race may be followed in matters where no particular rules are prescribed in the *Sastras*; but the wilful murder of widows, prohibited by all *Sastras*, is not to be justified by the practice of a few. From the *Skanda Purana*:

“In those matters in which neither the *Vedas* nor law-givers give either direct sanction or prohibition, the customs of a country or of a race may be observed.”<sup>1</sup>

If you insist that the practice of a country or of a race, though directly contrary to the directions of the *Sastras*, is still proper to be observed, and to be reckoned amongst lawful acts, I reply, that in Shivakanchi and Vishnukanchi, it is the custom of the people of all classes of one of these places, whether learned or ignorant, mutually, to revile the god peculiarly worshipped by the people of the other—those of Vishnukanchi despising Siva, and of Shivakanchi in the same manner holding Vishnu in contempt. Are the inhabitants of those places, whose custom it is thus to revile Siva and Vishnu not guilty of sin? For each of those tribes may assert, in their own defence, that it is the practice of their country and race to revile the god of the other. But no learned Hindu will pretend to say, that this excuse saves them from sin. The Rajputs also, in the neighbourhood of the Dooab, are accustomed to destroy their infant daughters; they also must not be considered guilty of the crime of child-murder, as they act according to the custom of their country and race. There are many instances of the same kind. No Pandits, then, would consider a heinous crime, directly contrary to the *Sastras*, as righteous, by whatever length of practice it may appear to be sanctioned.

You have at first alleged, that to burn a widow after tying her down on the pile, is one of the acts of piety, and have then quoted our argument for the opposite opinion, that “the inhabitants of forests and mountains are accustomed to robbery and murder: but must these be considered as faultless, because they follow only the custom of their country?” To this you have

<sup>1</sup> न यत्र साक्षाद्विषयो न निषेधाः श्रुतो स्मृतौ ।

देशाचारकुलाचारैस्तत्र धर्मो निरूप्यते ॥

again replied that respectable people are not to be guided by the example of mountaineers and foresters. But the custom of burning widows you say, "has been sanctioned by the most exemplary Pandits for a length of time. It is the custom, then, of respectable people that is to be followed, and not that of men of no principles."

I answer. Respectability and want of respectability, depend upon the acts of men. If people of this province, who have been constantly guilty of the wilful murder of women by tying them to the pile in which they are burnt, are to be reckoned amongst the respectable, then why should not the inhabitants of mountains and forests be also reckoned good, who perpetrate murder for the sake of their livelihood, or to propitiate their cruel deities?

To show that the custom of a country should be followed, you have quoted a text of the *Veda*, signifying that the example of Brahmans well versed in the *Sastras*, of good understanding, and whose practice is in conformity with reason and the *Sastras*, not subject to passion, and accustomed to perform good works, should be followed. And you have also quoted the words of Vyasa, signifying that the authorities of the *Vedas* and *Sastras*, as well as of reason, being various, the practice pointed out by illustrious men should be adopted.

I reply. You have shown that the example of men versed in the *Sastras*, and who act in conformity with reason and the *Sastras*, should be followed; but can you call those who, in defiance of the *Sastras*, wilfully put women to death by tying them down to the pile on which they are burnt, illustrious, acquainted with the *Vedas*, and devoted to acts prescribed by the *Sastras* and by reason? If not, their example is to be disregarded. If you can call those, who wilfully tie down women to put them to death, righteous and illustrious, then there is no instance of unrighteousness and depravity. I have already said, that when any act is neither directly authorised nor prohibited by the *Sastras*, the custom of the country or of the race, should be the rule of conduct; but in the present case, the words are express in prescribing that the widow shall enter the flaming pile. But those who, in direct defiance of the authority of the *Sastras*, act the part of women-murderers, in tying down the widow to the pile, and, subsequently applying the flame, burn her to death can never exculpate themselves from the sin of woman-murder.

As to the words you have quoted from the *Skanda Purana*, signifying that the arguments of one who has no faith in Siva and Vishnu can have no weight in the discussion of the legality

of facts, I reply, this text is applicable to those who worship images. Those who worship forms under any name, and have no faith in Siva and Vishnu, their worship is vain, and their words to be disregarded. In the same way the words of the Kularnava: "He whose mouth does not give out the smell of wine and flesh, should perform a penance and be avoided, and is as an inferior animal. This is undoubted."<sup>1</sup> These words are applicable only to those who follow the *Tantras*; and if all such texts are considered otherwise applicable than in relation to the sects to whom they are directed, there is no possibility of reconciling the variances betwixt the different *Sastras*. The *Sastras*, treating of God, contains the following words:

"Acts and rites that originate in movements of the hands, and other members of the body, being perishable cannot effect beatitude that is eternal."<sup>2</sup>

"Those that worship forms under appellations, continue subject to form and appellation; for no perishable means can effect the acquisition of an imperishable end."<sup>3</sup>

"That man who considers the Being that is infinite, incomprehensible, pure, extending as far as space and time and vacuity, to be finite, perceptible by the senses, limited by time and place, subject to passion and anger, what crime is such a robber of Divine majesty not guilty of?"<sup>4</sup>

That is, he is guilty of those sins which are considered as the most heinous, as well as of those that are considered ordinary sins. Therefore the words of so sinful a person can have no weight in the discussion of the legality of rites.

### SECTION VIII

You have stated in p. 2, that in the same manner as when part of a village or of a piece of cloth has been burnt, the village or piece of cloth is said to be burnt, so if a portion of the pile is inflamed, the whole pile may be said to be flaming. Therefore, it may with propriety be affirmed, that widows do in this country ascend the flaming pile.

I reply. You may afford gratification to those who take delight in woman-murder by such a quibble, but how can you

<sup>1</sup> आमिषासवसौरम्यहीनं यस्य मुखं भवेत् ।

प्रायश्चित्ती स वर्ज्यश्च पशुरेव न संशयः ॥

<sup>2</sup> न ह्यध्रुवैः प्राप्यते हि ध्रुवं तत् । कठश्रुतिः ।

<sup>3</sup> ध्यायन्तो नामरूपाणि यान्ति तन्मयतां जनाः ।

अध्रुवाद्वस्तु जाताद्वि ध्रुवं नैवोपजायते ॥ स्मृतिः ।

<sup>4</sup> योज्यथा सन्तमात्मानमन्यथा प्रतिपद्यते ।

किन्तेन न कृतं पापं चोरेनात्मापहारिणा ॥ स्मृतिः ।

avoid divine punishment by thus playing upon words?—for we find in the text of Harita and of Vishnu, the phrase *Pravivesa hutasanam*, which means “entering into flames”, and the term *Samaroheddhutasanam*, signifying “ascending the flames”. You have interpreted these directions in this way;—that, a considerable distance from the pile, fire may be placed and a piece of grass or rope may connect the fire with the pile; and that thus, by ascending the pile, which has not been in the smallest degree affected by the fire, the widow may fulfil the direction of ascending and entering the flaming pile. But I beg to remark, that both in vulgar dialect and in Sanskrit, the word *Pravesh* expresses only the introgression of one substance into another; as for example, *Griha pravesh koriachhilam*, “I entered the house”; the word *entered* cannot be used unless I actually passed into the house. If a long bamboo be attached to the house and a rope be fastened to that bamboo, no one can in any language say, that in merely touching that rope or bamboo he has entered that house. If a single billet of wood belonging to the pile were indeed inflamed, then you might say, according to your quibble regarding the burning of the cloth and of the village, that the pile was inflamed, and the flaming pile, entered; but even this is by no means the case, in the mode in which your pile is used. Unless, however, the pile is so completely in fire that the flames may surround the whole of her body, the woman cannot be said to enter into the flame. You must then, before you can justify your murder of helpless women, prepare a new dictionary; but there is no great probability of its interpretations being adopted by men of knowledge.

Towards the end of the 28th page you assert, that those who tie down the woman to the pile according to the custom of the country, are not guilty of violation of the *Sastras*: for it is to be understood from the words of Harita before quoted, that until her body be burnt, the widow cannot be delivered from female form, which implies that her body ought to be completely consumed; and that it is on this account that those who burn her—make her fast to the pile, lest by accident any part of the dead body should fall out of the pile, and fail of being consumed, and in that case the burning be incomplete. This practice of tying down, therefore, is also conformable to the *Sastra*; and those who, in burning the woman, make her fast to the pile, are not therein guilty of any sin, but rather perform a pious act. In support of this assertion you have quoted the words of Apastamba, signifying that he who performs an act prescribed by the *Sastras*, or he who persuades or permits another to perform a



prescribed act, ascends to heaven; and he who commits an act forbidden by the *Sastra*, or who persuades or permits another to perform a prohibited action, sinks to hell.

I reply. You mean to say, that it is not in order to avoid the danger of the widow's flying from the pile from fear of the flames, or from pain, that she is made fast—but merely, lest any fragments of the body should fall from the pile unburnt, that she is tied down to the pile while alive. I ask, is it with an iron chain that the woman is made fast, or with a common rope? For by securing the body by means of iron, the danger of portions of it being scattered from the pile may undoubtedly be avoided. But if, on the contrary, the body is bound with a common rope, the rope will be consumed before life has altogether quitted the body and the rope, when so burned, can be of no use in retaining within the pile, the members of the body. So far have Pandits been infatuated, in attempting to give the appearance of propriety to improper actions, that they have even attempted to make people believe, that a rope may remain unconsumed amidst a flaming fire, and prevent the members of a body from being dispersed from the pile. Men of sense may now judge of the truth of the reason to which you ascribe the practice of tying down widows. All people in the world are not blind, and those who will go and behold the mode in which you tie down women to the pile, will readily perceive the truth or falsehood of the motives you assign for the practice. A little reflection ought to have convinced you of the light in which such an argument must be viewed, even by those of your friends who have the smallest regard for truth. As for the text you have quoted from Apastamba, it might have, with more propriety, been cited by us, because it is established by that passage, that those who commit, persuade to, or permit an improper action, descend to hell; for those that are guilty of wilful woman-murder, by tying women down with ropes, and burning them to death, a practice unauthorized by the *Sastras*, and considered as most heinous, and those who persuade or permit others to do so, are certainly obnoxious to the denunciation of Apastamba. The pretext of custom of the country, or of the object of preventing portions of the body from being scattered, will not exculpate them.

You have written, in page 29, that those who, by the permission of the widow, increase the flames by throwing wood or straw on the pile, are meritorious: for he who without reward assists another in a pious act, is to be esteemed most meritorious. In confirmation you have quoted an anecdote of the *Matsya Purana*, that a goldsmith, by affording his gratuitous assistance in

a pious act, obtained a great reward. To this I have already replied: for if those who voluntarily commit woman-murder, by tying down a widow to the pile, and holding her down with bamboos to be burnt to death, are to be reckoned as performers of a pious act, those who assist them in so doing must be esteemed meritorious; but if this be a most heinous and debased crime, the promoters of it must certainly reap the fruits of woman-murder.

In your concluding paragraph you have quoted three texts, to prove the continual observance of this practice during all ages. The first recounting, that a dove entered into the flaming pile of her deceased husband. The second, that when Dhritarashtra was burning in the flames of his hermitage, his wife, Gandhari, threw herself into the fire. The wives of Vasudeva (the father of Krishna), of Balarama, of Pradyumna, and of others, entered the flaming piles of their respective husbands. Those three instances occurred, as narrated by the *Purana* writers, within intervals of a few years towards the close of the *Dwapara Yuga*. You ought then to have quoted other instances, to show the continual observance of this practice throughout all ages. Let that be as it may, you yourself cannot fail to know, that in former ages there were, as in later times, some who devoted themselves to the attainment of final beatitude, and others to the acquisition of future pleasure. Some too were virtuous, and some sinful; some believers, some sceptics. Amongst those, both men and women, who performed rites for reward, after enjoying pleasure in heaven, have again fallen to earth. Those *Sastras* themselves declare this fact; but in the *Sastras* that teach the path to final beatitude, the performance of rites for the sake of reward is positively forbidden. According to these *Sastras*, numberless women, in all ages, who were desirous of final beatitude, living as ascetics, attained their object. Evidence of this is to be found in the *Mahabharata* and other works: "The widows of the heroic *Kurus*, who fell valiantly with their faces to the foe, and were translated to the heaven of Brahma, performed only the prescribed ceremonies with water,"<sup>1</sup> and did not burn themselves on the piles of their husbands. I have, moreover, to request your attention to the fact, that in the three instances you have quoted, the very words "entered into fire" are used. In these three cases, then, it appears that the widows actually entered the flames, and therefore whatever widow in the present time does not enter the fire, but is burnt to death by others tying her down to the pile, has not performed the ceremony according to the

<sup>1</sup> उदके क्रियमाणे तु वीराणां वीरपत्नीभिः । इत्यादि ।

*ancient practice you have instanced; and from rites so performed she cannot even be entitled to the temporary enjoyment of heavenly pleasures; and those who tie her down, and pressing on her with bamboos, kill her, must, according to all Sastras, be considered guilty of the heinous crime of woman-murder.*

## SECTION IX

*Advocate.* I alluded, in page 18, line 18, to the real reason for our anxiety to persuade widows to follow their husbands, and for our endeavours to burn them pressed down with ropes: *viz.*, that women are by nature of inferior understanding, without resolution, unworthy of trust, subject to passions, and void of virtuous knowledge; they, according to the precepts of the *Sastras*, are not allowed to marry again after the demise of their husbands, and consequently despair at once of all worldly pleasure; hence it is evident, that death to these unfortunate widows is preferable to existence; for the great difficulty which a widow may experience by living a purely ascetic life, as prescribed by the *Sastras*, is obvious; therefore, if she does not perform concremation, it is probable that she may be guilty of such acts as may bring disgrace upon her paternal and maternal relations, and those that may be connected with her husband. Under these circumstances, we instruct them from their early life in the idea of concremation, holding out to them heavenly enjoyments in company with their husbands, as well as the beatitude of their relations, both by birth and marriage, and their reputation in this world. From this many of them, on the death of their husbands, become desirous of accompanying them; but to remove every chance of their trying to escape from the blazing fire, in burning them we first tie them down to the pile.

*Opponent.* The reason you have now assigned for burning widows alive is indeed your true motive, as we are well aware; but the faults which you have imputed to women are not planted in their constitution by nature; it would be, therefore, grossly criminal to condemn that sex to death merely as a precaution. By ascribing to them all sorts of improper conduct, you have indeed successfully persuaded the Hindu community to look down upon them as contemptible and mischievous creatures, whence they have been subjected to constant miseries. I have, therefore, to offer a few remarks on this head.

Women are in general inferior to men in bodily strength and energy; consequently the male part of the community, taking advantage of their corporeal weakness, have denied to them those excellent merits that they are entitled to by nature, and afterwards they are apt to say that women are naturally incapable of

acquiring those merits. But if we give the subject consideration, we may easily ascertain whether or not your accusation against them is consistent with justice. As to their inferiority in point of understanding, when did you ever afford them a fair opportunity of exhibiting their natural capacity? How then can you accuse them of want of understanding? If, after instruction in knowledge and wisdom, a person cannot comprehend or retain what has been taught him, we may consider him as deficient; but as you keep women generally void of education and acquirements, you cannot, therefore, in justice pronounce on their inferiority. On the contrary, Lilavati, Bhanumati, the wife of the prince of Karnat, and that of Kalidasa, are celebrated for their thorough knowledge of all the *Sastras*: moreover in the *Brihadaranyaka Upanishad* of the *Tajur Veda* it is clearly stated that Yajnavalkya imparted divine knowledge of the most difficult nature to his wife Maitreyi, who was able to follow and completely attain it!

Secondly. You charge them with want of resolution, at which I feel exceedingly surprised: for we constantly perceive, in a country where the name of death makes the male shudder, that the female, from her firmness of mind, offers to burn with the corpse of her deceased husband; and yet you accuse those women of deficiency in point of resolution.

Thirdly. With regard to their trustworthiness, let us look minutely into the conduct of both sexes, and we may be enabled to ascertain which of them is the most frequently guilty of betraying friends. If we enumerate such women in each village or town as have been deceived by men, and such men as have been betrayed by women, I presume that the number of the deceived women would be found ten times greater than that of the betrayed men. Men are, in general, able to read and write, and manage public affairs, by which means they easily promulgate such faults as women occasionally commit, but never consider as criminal the misconduct of men towards women. One fault they have, it must be acknowledged; which is, by considering others equally void of duplicity as themselves, to give their confidence too readily, from which they suffer much misery, even so far that some of them are misled to suffer themselves to be burnt to death.

In the fourth place, with respect to their subjection to the passions, this may be judged of by the custom of marriage as to the respective sexes; for one man may marry two or three, sometimes even ten wives and upwards; while a woman, who marries but one husband, desires at his death to follow him, forsaking

all worldly enjoyments, or to remain leading the austere life of an ascetic.

Fifthly. The accusation of the want of virtuous knowledge is an injustice. Observe what pain, what slighting, what contempt, and what afflictions their virtue enables them to support! How many Kulin Brahmans are there who marry ten or fifteen wives for the sake of money, that never see the greater number of them after the day of marriage, and visit others only three or four times in the course of their life. Still amongst those women, most, even without seeing or receiving any support from their husbands, living dependent on their fathers or brothers, and suffering much distress, continue to preserve their virtue; and when Brahmans, or those of other tribes, bring their wives to live with them, what misery do the women not suffer? At marriage the wife is recognized as half of her husband, but in after-conduct they are treated worse than inferior animals. For the woman is employed to do the work of a slave in the house, such as, in her turn, to clean the place very early in the morning, whether cold or wet, to scour the dishes, to wash the floor, to cook night and day, to prepare and serve food for her husband, father, mother-in-law, sisters-in-law, brothers-in-law, and friends and connections! (for amongst Hindus more than in other tribes relations long reside together, and on this account quarrels are more common amongst brothers respecting their worldly affairs). If in the preparation or serving up of the victuals they commit the smallest fault, what insult do they not receive from their husband, their mother-in-law, and the younger brothers of their husband? After all the male part of the family have satisfied themselves, the women content themselves with what may be left, whether sufficient in quantity or not. Where Brahmans or Kayasthas are not wealthy, their women are obliged to attend to their cows, and to prepare the cow-dung for firing. In the afternoon they fetch water from the river or tank, and at night perform the office of menial servants in making the beds. In case of any fault or omission in the performance of those labours they receive injurious treatment. Should the husband acquire wealth, he indulges in criminal amours to her perfect knowledge and almost under her eyes, and does not see her perhaps once a month. As long as the husband is poor, she suffers every kind of trouble, and when he becomes rich, she is altogether heart-broken. All this pain and affliction their virtue alone enables them to support. Where a husband takes two or three wives to live with him, they are subjected to mental miseries and constant quarrels. Even this distressed situation

they virtually endure. Sometimes it happens that the husband, from a preference for one of his wives, behaves cruelly to another. Amongst the lower classes, and those even of the better class who have not associated with good company, the wife, on the slightest fault, or even on bare suspicion of her misconduct, is chastised as a thief. Respect to virtue and their reputation generally makes them forgive even this treatment. If unable to bear such cruel usage, a wife leaves her husband's house to live separately from him, then the influence of the husband with the magisterial authority is generally sufficient to place her again in his hands; when, in revenge for her quitting him, he seizes every pretext to torment her in various ways, and sometimes even puts her privately to death. These are facts occurring every day, and not to be denied. What I lament is, that, seeing the women thus dependent and exposed to every misery, you feel for them no compassion, that might exempt them from being tied down and burnt to death.

## Suttee as a Religious Rite

Several essays, tracts, and letters, written in defence of or against the practice of burning Hindu widows alive have for some years past attracted the attention of the public. The arguments therein adduced by the parties being necessarily scattered, a complete view of the question cannot be easily attained by such readers as are precluded by their immediate avocations from bestowing much labour in acquiring information on the subject. Although the practice itself has now happily ceased to exist under the Government of Bengal,<sup>1</sup> nevertheless it seems still desirable that the substance of those publications should be condensed in a concise but comprehensive manner, so that enquirers may with little difficulty, be able to form a just conclusion, as to the true light in which this practice is viewed in the religion of Hindus. I have, therefore, made an attempt to accomplish this object, hoping that the plan pursued may be found to answer this end.

The first point to be ascertained is, whether or not the practice of burning widows alive on the pile and with the corpse of their husbands, is imperatively enjoined by the Hindu religion? To this question even the staunch advocates for concrementation must reluctantly give a negative reply, and unavoidably concede the practice to the option of widows. This admission on their part is owing to two principal considerations, which it is now too late for them to feign to overlook. First, because Manu in plain terms enjoins a widow to “*continue till death forgiving all injuries, performing austere duties, avoiding every sensual pleasure, and cheerfully practising the incomparable rules of virtue which have been followed by such women as were devoted to one only husband.*” (Ch. V; p. 158)<sup>2</sup>. So Yajñavalkya inculcates the same doctrine: “A widow shall live under care of her father, mother, son, brother, mother-in-law, father-

<sup>1</sup> The administration to which this distinguished merit is due, consisted of Lord W. C. Bentinck, Governor-General, Viscount Combermere, Commander-in-Chief, W. B. Bayley, Esq., and Sir C. T. Metcalfe, Members of Council.

<sup>2</sup> आसीतामरणात् क्षान्ता नियता ब्रह्मचारिणी ॥  
यो धर्मं एकपत्नीनां काङ्क्षन्ती तमनुत्तमम् ॥

in-law, or uncle; since, on the contrary, she shall be liable to reproach." (*Vide Mitakshara*, Ch. 1.)<sup>1</sup> Secondly, because an attempt on the part of the advocates for concrementation to hold out the act as an incumbent duty on widows, would necessarily bring a stigma upon the character of the living widows, who have preferred a virtuous life to concrementation, as charging them with a violation of the duty said to be indispensable. These advocates, therefore, feel deterred from giving undue praise to a few widows, choosing death on the pile, to the disgrace of a vast majority of that class preferring a virtuous life. And in consideration of these obvious circumstances, the celebrated Smartha Raghunandana, the latest commentator on Hindu Law in Bengal, found himself compelled to expound the following passage of Angira, "there is no other course for a widow besides concrementation,"<sup>2</sup> as "conveying exaggerated praise of the adoption of that course."<sup>3</sup>

The second point is, that in case the alternative be admitted, that a widow may either live a virtuous life, or burn herself on the pile of her husband, it should next be determined whether both practices are esteemed equally meritorious, or one be declared preferable to the other. To satisfy ourselves on this question, we should first refer to the *Vedas* whose authority is considered paramount, and we find in them a passage most pointed and decisive against concrementation, declaring that "from a desire, during life, of future fruition, life ought not to be destroyed." (*Vide Mitakshara* Ch. 1.)<sup>4</sup> While the advocates of concrementation quote a passage from the *Vedas*, of a very abstruse nature, in support of their position, which is as follows: "Oh fire, let these women, with bodies anointed with clarified butter, eyes coloured with collyrium and void of tears, enter thee, the parent of water<sup>6</sup> that they may not be separated from their husbands, themselves sinless, and jewels amongst women."<sup>5</sup> This passage (if genuine) does not, in the first place, enjoin widows to offer themselves as sacrifices; secondly, no allusion whatever is made in it to voluntary death by a widow *with the corpse of her husband*; thirdly, the phrase "these women" in the passage, literally implies women then pre-

<sup>1</sup> पितृमातृसुतभ्रातृश्वश्रूश्वशुरमातुलैः ।

हीना न स्यात् विना भर्ता गर्हणीयान्यथा भवेत् ॥

<sup>2</sup> नान्यो हि धर्म्मो विज्ञेयो मृते भर्त्तरि कश्चित् ।

<sup>3</sup> नान्यो हि धर्म्म इति तु सहमरणस्तुत्यर्थः ।

<sup>4</sup> तस्मादिह न पुरायुषः स्वकामी प्रेयात् ।

<sup>5</sup> इमा नारीरविधवाः सुपत्नीराञ्जनेन सर्पिषा संविशन्त्वनश्रवा अनमीरा सुरत्ना आरोहन्तु यामयो योनिमग्न ।

<sup>6</sup> In Sanskrit writings, water is represented as originating in fire.



sent; fourthly some commentators consider the passage as conveying an allegorical allusion to the constellations of the moon's path, which are invariably spoken of in Sanskrit in the feminine gender:—butter implying the milky path, collyrium meaning unoccupied space between one star and another, husbands signifying the more splendid of the heavenly bodies, and entering the fire, or, properly speaking, ascending it, indicating the rise of the constellations through the south-east horizon, considered as the abode of fire. Whatever may be the real purport of this passage, no one ever ventured to give it an interpretation as *commending* widows to burn themselves on the pile and with the corpse of their husbands.

We next direct attention to the *Smriti*, as next in authority to the *Vedas*. Manu, whose authority supersedes that of other law-givers, enjoins widows to live a virtuous life, as already quoted. Yajnavalkya and some others have adopted the same mode of exhortation. On the other hand, Angira recommends the practice of con cremation, saying: "That a woman who, on the death of her husband, *ascends the burning pile* with him, is exalted to heaven as equal to Arundhati."<sup>1</sup> So Vyasa says: "A pigeon devoted to her husband, after his death, *entered the flames*, and, ascending to heaven, she there found her husband."<sup>2</sup> "She who follows her husband to another world, shall dwell in a region of glory for so many years as there are hairs in the human body, or thirty five millions."<sup>3</sup> Vishnu, the saint, lays down this rule: "After the death of her husband, a wife should live as an ascetic or ascend his pile."<sup>4</sup> Harita and others have followed Angira in recommending con cremation.

The above quoted passages, from Angira and others, recommend con cremation on the part of widows, as means to obtain future carnal fruition; and, accordingly, previous to their ascent on the pile, all widows invariably and solemnly declare future fruition as their object in con cremation. But the *Bhagavad Gita* whose authority is considered the most sacred by Hindus of all persuasions, repeatedly condemns rites performed for fruition. I here quote a few passages of that book.

<sup>1</sup> मृते भर्तारि या नारी समारोहेद्भुताशनम् ।

सारुन्वती समाचारा स्वर्गलोके महीयते ॥

<sup>2</sup> पतिव्रता संप्रदीप्तं प्रविवेश हुताशनम् ।

तत्र विनाङ्गदधरं भर्तारं सान्वपद्यत ॥

<sup>3</sup> तिस्रः कोट्यर्द्धकोटी च यानि लोमानि मानवे ।

तावन्त्यब्दानि सा स्वर्गे भर्तारं यानुगच्छति ॥

<sup>4</sup> मृते भर्तारि ब्रह्मचर्यं तदन्वारोहणं वा ।

“All those ignorant persons who attach themselves to the words of the *Sastras* that convey promises of fruition, consider those extravagant and alluring passages as leading to real happiness, and say, besides them there is no other reality. Agitated in their minds by these desires, they believe the abodes of the celestial gods to be the chief object, and they devote themselves to those texts which treat of ceremonies and their fruits, and entice by promises of enjoyment. Such people can have no real confidence in the Supreme Being.”<sup>1</sup>

“Observers of rites, after the completion of their rewards, return to earth. Therefore they, for the sake of rewards, repeatedly ascend to heaven and return to the world, and cannot obtain eternal bliss.”<sup>2</sup>  
Manu repeats the same.

“Whatever act is performed for the sake of gratification in this world or the next is called *Pravartak*, as leading to the temporary enjoyment of the mansions of gods; and those which are performed according to the knowledge respecting God are called *Nivartak*, as means to procure release from the five elements of this body; that is, they obtain eternal bliss.”<sup>3</sup>

The author of the *Mitakshara*, a work which is considered as a standard of Hindu Law throughout Hindustan, referring on the one hand to the authority of Manu, Yajnavalkya, the *Bhagavad Gita*, and similar sacred writings, and to the passages of Angira, Harita and Vyasa on the other hand, and after having weighed both sides of the question, declared that “the widow who is not desirous of eternal beatitude, but who wishes only for a perishable and small degree of future fruition, is authorized to

<sup>1</sup> यामिमां पुष्पितां वाचं प्रवदन्त्यविपश्चितः ।

वेदवादरताः पार्थ नान्यदस्तीतिवादिनः ॥

कामात्मानः स्वर्गपरा जन्मकर्मफलप्रदाम् ।

क्रियाविशेषबहुलां भोगैश्वर्य्यगतिं प्रति ॥

भोगैश्वर्य्यप्रसक्तानां तथापहृतचेतसाम् ।

व्यवसायात्मिका बुद्धिः समाधो न विधीयते ॥

<sup>2</sup> ते तं भुक्त्वा स्वर्गलोकं विशालं क्षीणे पुण्ये मर्त्यलोकं विशन्ति ।

एवं त्रयीधर्ममनुप्रपन्ना मृतागतं कामकामा लभन्ते ॥

<sup>3</sup> इह वामुत्र वा काम्यं प्रवृत्तं कर्म कीर्त्यते ।

निष्कामं ज्ञानपूर्वन्तु निवृत्तमुपदिश्यते ॥

प्रवृत्तं कर्म संसेव्य देवानामेति सार्णिताम् ।

निवृत्तं सेवमानस्तु मृतान्यत्येति पंच वै ॥

accompany her husband.”<sup>1</sup> So that the Smartta Raghunandana, the modern expounder of Law of Bengal, classes concremation among the rites holding out promises of fruition; and this author thus inculcates: “Learned men should not endeavour to persuade the ignorant to perform rites holding out promises of fruition.”<sup>2</sup> Hence, concremation in their opinion, is the least virtuous act that a widow can perform.<sup>3</sup>

The third and the last point to be ascertained is whether or not *the mode* of concremation prescribed by Harita and others was ever duly observed. The passages recommending concremation are quoted by these expounders of law, require that a widow, resolving to die after the demise of her husband, should *volun-*

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<sup>1</sup> अतश्च मोक्षमनिच्छन्त्या अनित्याल्पमुखरूपस्वर्गार्थिन्याः सहमरणानुमरणयोर-  
धिकार इतरकाम्यानुष्ठानवत् ।

<sup>2</sup> पण्डितेनापि मूर्खैः काम्ये कर्मणि न प्रवर्तयितव्यः ।

<sup>3</sup> Hindus are persuaded to believe that Vyasa, considered as an inspired writer among the ancients, composed and left behind him numerous and voluminous works under different titles, as *Maha-puranas*, *Sanhitas*, *Smritis*, etc., to an extent that no man, during the ordinary course of life, could prepare. These, however, with a few exceptions, exist merely in name, and those that are genuine bear the commentaries of celebrated authors. So the *Tantras*, or works ascribed to Siva as their author, are esteemed as consisting of innumerable millions of volumes, though only a very few, comparatively, are to be found. Debased characters among this unhappy people, taking advantage of this circumstance, have secretly composed forged works and passages and published them as if they were genuine, with the view of introducing new doctrines, new rites, or new prescripts of secular law. Although they have frequently succeeded by these means in working on the minds of the ignorant, yet the learned have never admitted the authority of any passage or work alleged to be sacred, unless it has been quoted or expounded by one of the acknowledged and authoritative commentators. It is now unhappily reported, that some advocates for the destruction of widows, finding their cause unsupported by the passages, cited by the author of the *Mitakshara*, by the Smartta Raghunandana, or other expounders of Hindu law, have disgracefully adopted the trick of coining passages in the name of the *Puranas* or *Tantras*, conveying doctrines not only directly opposed to the decisive expositions of these celebrated teachers of law, but also evidently at variance with the purport of the genuine sacred passages which they have quoted. The passages thus forged are said to be calculated to give a preference to concremation over virtuous life. I regret to understand that some persons belonging to the party opposing this practice, are reported to have had recourse to the same unworthy artifice, under the erroneous plea that stratagem justifies stratagem.

*tarily ascend*<sup>1</sup> and enter the flames<sup>2</sup> to destroy her existence; allowing her, at the same time, an opportunity of retracting her resolution, should her courage fail from the alarming sight or effect of the flames, and of returning to their relatives, performing a penance for abandoning the sacrifice<sup>3</sup>, or bestowing the value of a cow on a Brahman.<sup>4</sup> Hence, as *voluntarily ascending* upon and *entering into the flames* are described as indispensably necessary for a widow in the performance of this rite, the violation of one of these provisions renders the act mere suicide, and implicates, in the guilt of female murder, those that assist in its perpetration, even according to the above quoted authorities, which are themselves of an inferior order. But no one will venture to assert, that the provisions, prescribed in the passages adduced, have ever been observed; that is, no widow ever voluntarily *ascended* on and *entered* into the flames in the fulfilment of this rite. The advocates for concrementation have been consequently driven to the necessity of taking refuge in *usage*, as justifying both suicide and female murder, the most heinous of crimes.

We should not omit the present opportunity of offering up thanks to Heaven, whose protecting arm has rescued our weaker sex from cruel murder, under the cloak of religion, and our character, as a people, from the contempt and pity with which it has been regarded, on account of this custom, by all civilized nations on the surface of the globe.

<sup>1</sup> समारोहेद्धताशनम् । Angira

<sup>2</sup> पतिव्रता सम्प्रदीप्तं प्रविवेश हुताशनम् । Vyasa

<sup>3</sup> चित्तिभ्रष्टा तु या नारी मोहाद्विचलिता भवेत् ।

प्राजापत्येन शुद्धेत्तु तस्माद्धि पापकर्मणः ॥

<sup>4</sup> प्राजापत्यव्रतासक्ता धेनुं दद्यात् पर्यास्वनीम् ।

धेनोरमावे दातव्यं तुल्यं मूल्यं न संशयः ॥



# **Hindu Law of Inheritance**

*Raja Rammohun Roy felt that one of the major reasons for the prevalence of Sutte was the utter destitution to which women were reduced after the death of their husbands. According to him "all the ancient law-givers unanimously awarded to a mother an equal share with her sons in the property left by her deceased husband, in order that she may spend her remaining days independently of her children." But the laws had been misinterpreted and abused, depriving widows and daughters of their share in the property of their husbands and fathers.*

*In 1822, he wrote his tract "Brief remarks regarding modern encroachments on the ancient rights of females according to the Hindu Law of Inheritance." In this he also raised his voice against polygamy and the virtual sale of young girls to Brahmins with money.*

*In another legal essay "The Rights of Hindus Over Ancestral Property according to the Law of Bengal", written in 1830, Raja Rammohun Roy expounded the law relating to inheritance and alienation of property. Even though he was not a lawyer, his exposition is extremely lucid and analytical. The essay, as also the tract on the Ancient Rights of Females, shows his deep erudition and his broad views as a jurist.*

*In the preliminary note to the essay on "The Rights of Hindus Over Ancestral Property," Raja Rammohun Roy wrote: "The translation into English, by the celebrated Mr. H. T. Colebrooke, of the Dayabhaga, a work on Succession and of an extract from the Mitakshara, comprising so much of the latter as relates to Inheritance, has furnished the principal basis of the arguments used in the following pages. I have also referred occasionally to the valuable remarks of the eminently learned scholar, in his preface and notes added to the original work. In quoting the Institutes of Manu, I have had recourse to the translation of this code of Law by the most venerable Sir William Jones, that no doubt may be entertained as to the exactness of the interpretation. Only one text of Vrihaspati, the Legislature, and one passage quoted in another part of the Mitakshara, which has not been translated by Mr. Colebrooke, have been unavoidably rendered by myself. I have, however, taken the precaution to cite the original Sanskrit, that the reader may satisfy himself of the accuracy of my translation."*

## Rights of Women to Property

With a view to enable the public to form an idea of the state of civilization throughout the greater part of the empire of Hindustan in ancient days,<sup>1</sup> and of the subsequent gradual degradation introduced into its social and political constitution

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<sup>1</sup> At an early age of civilization, when the division into castes was first introduced among the inhabitants of India, the second tribe, who were appointed to defend and rule the country, having adopted arbitrary and despotic practices, the others revolted against them; and under the personal command of the celebrated Parasuram, defeated the Royalists in several battles, and put cruelly to death almost all the males of that tribe. It was at last resolved that the legislative authority should be confined to the first class who could have no share in the actual government of the state, or in managing the revenue of the country under any pretence; while the second tribe should exercise the executive authority. The consequence was, that India enjoyed peace and harmony for a great many centuries. The Brahmans having no expectation of holding an office, or of partaking of any kind of political promotion, devoted their time to scientific pursuits and religious austerity, and lived in poverty. Freely associating with all the other tribes, they were thus able to know their sentiments and to appreciate the justness of their complaints, and thereby to lay down such rules as were required, which often induced them to rectify the abuses that were practised by the second tribe. But after the expiration of more than two thousand years, an absolute form of government came gradually again to prevail. The first class, having been induced to accept employments in political departments, became entirely dependent on the second tribe, and so unimportant in themselves, that they were obliged to explain away the laws enacted by their forefathers, and to institute new rules according to the dictates of their contemporary princes. They were considered as merely nominal legislators, and the whole power, whether legislative or executive, was in fact exercised by the Rajputs. This tribe exercised tyranny and oppression for a period of about a thousand years, when Musulmans from Ghuznee and Ghore invaded the country, and finding it divided among hundreds of petty princes, detested by their respective subjects, conquered them all successively, and introduced their own tyrannical system of government, destroying temples, universities and all other sacred and literary establishments. At present the whole empire (with the exception of a few provinces) has been placed under the British power, and some advantages have already been derived from the prudent management of its rulers, from whose general character a hope of future quiet and happiness is justly entertained. The succeeding generation will, however, be more adequate to pronounce on the real advantages of this government.



by arbitrary authorities, I am induced to give as an instance, the interest and care which our ancient legislators took in the promotion of the comfort of the female part of the community; and to compare the laws of female inheritance which they enacted and which afforded that sex the opportunity of enjoyment of life, with that which moderns and our contemporaries have gradually introduced and established, to their complete privation, directly or indirectly, of most of those objects that render life agreeable.

All the ancient lawgivers unanimously awarded to a mother an equal share with her son in the property left by her deceased husband, in order that she may spend her remaining days independently of her children, as is evident from the following passages:

Yajnavalkya: "After the death of a father, let a mother also inherit an equal share with her sons in the division of the property *left by their father.*"<sup>1</sup>

Katyayana: "The father being dead, the mother should inherit an equal share with the son."<sup>2</sup>

Narada: "After the death of husband, a mother should receive a share equal to that of each of his sons."<sup>3</sup>

Vishnu the Legislator: "Mothers should be receivers of shares according to the portion allowed to the sons."<sup>4</sup>

Vrihaspati: "After his (the father's) death a mother, the parent of his sons, should be entitled to an equal share with his sons; their step-mothers also to equal shares; but daughters to a fourth part of the shares of the sons."<sup>5</sup>

Vyasa: "The wives of a father by whom he has no male issue, are considered as entitled to equal shares with his sons, and all the grand-mothers (*including the mothers and step-mothers of the father*), are said to be entitled as mothers."<sup>6</sup>

This Muni seems to have made this express declaration of rights of step-mothers, omitting those of mothers, under the ideas that the latter were already sufficiently established by the direct authority of preceding lawgivers.

<sup>1</sup> पितुरुर्ध्वं विभजतां माताप्यंशं समं हरेत् ।

<sup>2</sup> माता च पितरि प्रेते पुत्रतुल्यांशहारिणी ।

<sup>3</sup> समांशहारिणी माता पुत्राणां स्यान्मृते पतौ ।

<sup>4</sup> मातरः पुत्रभागानुसारभागहारिण्यः ।

<sup>5</sup> तदभावे तु जननी तनयांशसमांशिनी ।

समांशा मातरस्त्वेषां तुरीयांशस्तु कन्यकाः ॥

<sup>6</sup> असुतास्तु पितुः पत्न्यः समानांशाः प्रकीर्तिताः ।

पितामह्यश्च ताः सर्वा मातृतुल्याः प्रकीर्तिताः ॥

We come to the moderns.

The author of the *Dayabhaga* and the writer of the *Daya-tattwa*, the modern expounders of Hindu law (whose opinions are considered by the natives of Bengal as standard authority in the division of property among heirs) have thus limited the rights allowed to widows by the above ancient legislators. When a person is willing to divide his property among his heirs during his lifetime, he should entitle only those wives by whom he has no issue, to an equal share with his sons; but if he omits such a division, those wives can have no claim to the property he leaves. These two modern expounders lay stress upon a passage of Yajñavalkya, which requires a father to allot equal shares to his wives, in case he divides his property during his life, whereby they connect the term "of a father" in the above quoted passage of Vyasa, viz., "the wives of a father, etc.," with the term "division" understood, that is, the wives by whom he has no son, are considered in the division made by a father, as entitled to equal shares with his sons; and that when sons may divide property among themselves after the demise of their father, they should give an equal share to their mother only, neglecting step-mothers in the division. Here the expounders did not take into their consideration any proper provision for step-mothers, who have naturally less hope of support from their step-sons than mothers can expect from their own children.

In the opinion of these expounders even a mother of a single son should not be entitled to any share. The whole property should, in that case, devolve on the son; and in case that son should die after the succession to the property, his son or wife should inherit it. The mother in that case should be left totally dependent on her son or on her son's wife. Besides, according to the opinion of these expounders, if more than one son should survive, they can deprive their mother of her title, by continuing to live as a joint family (which has been often the case), as the right of a mother depends, as they say, on division, which depends on the will of the sons.

Some of our contemporaries, (whose opinion is received as a verdict by Judicial Courts), have still further reduced the right of a mother to almost nothing, declaring, as I understand, that if a person die, leaving a widow and a son or sons, and also one or more grandsons, whose father is not alive, the property so left is to be divided among his sons and his grandsons, his widow in this case being entitled to no share in the property, though she might have claimed an equal share, had a division taken place among those surviving sons and the father of the

grandson while he was alive.<sup>1</sup> They are said to have founded their opinion on the above passage, entitling a widow to a share when property is to be divided among sons.

In short, a widow, according to the exposition of the law, can receive nothing when her husband has no issue by her; and in case he dies leaving only one son by his wife, or having had more sons, one of whom happened to die leaving issue, she shall, in these cases, also have no claim to the property; and again, should any one leave more than one surviving son, and they, being unwilling to allow a share to the widow, keep the property undivided, the mother can claim nothing in this instance also. But when a person dies, leaving two or more sons, and all of them survive and be inclined to allot a share to their mother, her right is in this case only valid. Under these expositions, and with such limitations, both step-mothers and mothers have, in reality, been left destitute in the division of their husband's property, and the right of a widow exists in theory only among the learned, but unknown to the populace.

The consequence is, that a woman who is looked up to as the sole mistress by the rest of the family one day, on the next, becomes dependent on her sons, and subject to the slights of her daughters-in-law. She is not authorized to expend the most trifling sum or dispose of an article of the least value, without the consent of her son or daughter-in-law, who were all subject to her authority but the day before. Cruel sons often wound the feelings of their dependent mothers, deciding in favour of their own wives, when family disputes take place between their mothers and wives. Step-mothers, who often are numerous on account of polygamy, being allowed in these countries, are still more shamefully neglected in general by their step-sons, and sometimes dreadfully treated by their sisters-in-law who have fortunately a son or sons by their husband.

It is not from religious prejudices and early impressions only, that Hindu widows burn themselves on the piles of their deceased husbands, but also from their witnessing the distress in which widows of the same rank in life are involved, and the insults and slights to which they are daily subjected, that they become in a great measure regardless of their existence after the death of their husbands; and this indifference, accompanied with the hope of future reward held out to them, leads them to

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<sup>1</sup> This exposition has been (I am told) set aside by the Supreme Court in consequence of the Judges having prudently applied for the opinions of other Pandits, which turned out to be at variance with those of the majority of the regular advisers of the Court in points of Hindu law.

the horrible act of suicide. These restraints on female inheritance encourage, in a great degree, polygamy, a frequent source of the greatest misery in native families; a grand object of Hindus being to secure a provision for their male offspring, the law, which relieves them from the necessity of giving an equal portion to their wives, removes a principal restraint on the indulgence of their inclinations in respect to the number they marry. Some of them, especially Brahmans of higher birth, marry ten, twenty or thirty women,<sup>1</sup> either for small consideration, or merely to gratify their brutal inclinations, leaving a great many of them, both during their lifetime and after their death, to the mercy of own paternal relations. The evil consequences arising from such polygamy, the public may easily guess, from the nature of the fact itself, without my being reduced to the mortification of particularising those which are known by the native public to be of daily occurrence.

To these women there are left only three modes of conduct to pursue after the death of their husbands. First. To live a miserable life as entire slaves to others, without indulging any hope of support from another husband. Secondly. To walk in the paths of unrighteousness for their maintenance and independence. Thirdly. To die on the funeral pile of their husbands, loaded with the applause and honour of their neighbours. It cannot pass unnoticed by those who are acquainted with the state of society in India, that the number of female suicides in the single province of Bengal, when compared with those of any other British provinces, is almost ten to one: we may safely attribute this disproportion chiefly to the greater frequency of a plurality of wives among the natives of Bengal, and to their total neglect in providing for the maintenance of their females.

This horrible polygamy among Brahmans is directly contrary to the law given by ancient authors; for Yajnavalkya authorizes second marriages, while the first wife is alive, only under eight circumstances: First. The vice of drinking spirituous liquors. Secondly. Incurable sickness. Thirdly. Deception. Fourthly. Barrenness. Fifthly. Extravagance. Sixthly. The frequent use of offensive language. Seventhly. Producing only female offsprings. Or, Eighthly. Manifestation of hatred towards her husband.<sup>2</sup>

<sup>1</sup> The horror of this practice is so painful to the natural feelings of man that even Madhav-Singh, the late Rajah of Tirhoot, (though a Brahman himself), through compassion, took upon himself (I am told) within the last half century, to limit Brahmans of his estate to four wives only.

<sup>2</sup> सुरापी व्याधिता धूर्ता वन्ध्याधन्या प्रियंवदा ।

स्त्रीप्रसूराधिवेत्तव्या पुरुषद्वेषिणी तथा ॥

Manu, ch. 9th, v. 80th. "A wife who drinks any spirituous liquors, who acts immorally, who shows hatred to *her lord*, who is incurably diseased, who is mischievous, who wastes his property, may at all times be superseded by another wife."<sup>1</sup>

81st. "A barren wife may be superseded by another in the eighth year; she, whose children are all dead, in the tenth; she, who brings forth *only* daughters, in the eleventh; she, who is accustomed to speak unkindly, without delay."<sup>2</sup>

82nd. "But she, though, afflicted with illness, is beloved and virtuous, must never be disgraced, though she may be superseded by another wife with her own consent."<sup>3</sup>

Had a Magistrate or other public officer been authorized by the rulers of the empire to receive applications for his sanction to a second marriage during the life of a first wife, and to grant his consent only on such accusations as the foregoing being substantiated, the above Law might have been rendered effectual, and the distress of the female sex in Bengal, and the number of suicides, would have been necessarily very much reduced.

According to the following ancient authorities a daughter is entitled to one-fourth part of the portion which a son can inherit.

Vrihaspati: "The daughters should have the fourth part of the portion to *which the sons are entitled*."<sup>4</sup>

Vishnu: "The rights of unmarried daughters shall be proportioned according to the shares allotted to the sons."<sup>5</sup>

Manu: ch. 9th, v. 118. "To the unmarried daughters let their brothers give portions out of their own allotments respectively. Let each give a fourth part of his own distinct share, and they who feel disinclined to give this shall be condemned."<sup>6</sup>

Yajnavalkya: "Let such brothers as are already purified by the essential rites of life, purify by the performance of those rites the brothers that are left by *their late father* unpurified; let them also purify the sisters by giving them a fourth part of

<sup>1</sup> मद्यपाऽसाधुवृत्ता च प्रतिकूला च या भवेत् ।  
व्याधिता वाऽधिवेत्तव्या हिंसाऽर्थघ्नी च सर्वदा ॥

<sup>2</sup> वन्ध्याष्टमेऽधिवेद्याऽब्दे दशमे तु मृतप्रजा ।  
एकादशे स्त्रीजननी सद्यस्त्वप्रियवादिनी ॥

<sup>3</sup> या रोगिणी स्यात्तु हिता सम्पन्ना चैव शीलतः ।  
सानुज्ञाप्याधिवेत्तव्या नावमान्या च कर्हिचित् ॥

<sup>4</sup> तुरीयांशास्तु कन्यकाः ।

<sup>5</sup> अनुद्वाश्च दुहितरः पुत्रभागानुसाराः ।

<sup>6</sup> स्वेभ्योऽशोभ्यस्तु कन्याभ्यः प्रदद्युर्भ्रातरः पृथक् ।  
स्वात् स्वादंशाच्चतुर्भागं पतिताः स्युरदित्सवः ॥

their own portion.”<sup>1</sup>

Katyayana<sup>2</sup>: “A fourth part is declared to be the share of unmarried daughters, and three-fourths of the sons; if the fourth part of the property is so small as to be inadequate to defray the expenses attending their marriage, the sons have an exclusive right to the property, but shall defray the marriage ceremony of the sisters.”

But the commentator on the *Dayabhaga* sets aside the right of the daughters, declaring that they are not entitled to any share in the property left by their fathers, but that the expenses attending their marriage should be defrayed by the brothers. He founds his opinion on the foregoing passage of Manu and that of Yajnavalkya, which as he thinks, imply mere donation on the part of the brothers from their own portions for the discharge of the expenses of marriage.

In the practice of our contemporaries a daughter or a sister is often a source of emolument to the Brahmans of less respectable caste, (who are most numerous in Bengal) and to the Kayasthas of high caste. These so far from spending money on the marriage of their daughters or sisters, receive frequently considerable sums, and generally bestow them in marriage on those who can pay most.<sup>3</sup> Such Brahmans and Kayasthas, I regret to say, frequently marry their female relations to men having natural defects or worn-out by old age or disease, merely from pecuniary considerations, whereby they either bring widowhood upon them soon after marriage or render their lives miserable. They not only degrade themselves by such cruel and unmanly conduct, but violate entirely the express authorities of Manu and all other ancient lawgivers, a few of which I here quote.

Manu, ch. 3rd. v. 51. “Let no father, who knows the law, receive a gratuity, however small, for giving his daughter in marriage; since the man, who, through avarice, takes a gratuity for that purpose, is a seller of his offspring.”<sup>4</sup>

Ch. 9th, v. 98. “But even a man of the servile class ought not to receive a gratuity when he gives his daughter in

<sup>1</sup> चासंस्कृतास्तु संस्कार्या भ्रातृभिः पूर्वसंस्कृतैः ॥

भगिन्यश्च निजादंशादत्वांशान्तु तुरीयकम् ॥

<sup>2</sup> कन्यकानामदत्तानां चतुर्थोभाग उच्यते ।

पुत्राणां च त्रयो भागः स्वाम्यं स्वल्पघने स्मृतम् ॥

<sup>3</sup> Rajah Krishnachandra, the great grandfather of the present ex-Rajah of Nadia, prevented this cruel practice of the sale of daughters and sisters throughout his estate.

<sup>4</sup> न कन्यायाः पिता विद्वान् गृह्णीयात् शुल्कमप्यपि ।

गृह्णन् हि शुल्कं लोभेन स्यान्नरोऽपत्यविक्रयी ॥

marriage, since a father who takes a fee *on that occasion*, tacitly sells his daughter."<sup>1</sup>

V. 100. "Nor, even in former births, have we heard the *virtuous approve* the tacit sale of a daughter for a price, under the name of nuptial gratuity."<sup>2</sup>

Kasapa: "Those who, infatuated by avarice, give their own daughters in marriage, for the sake of a gratuity, are the sellers of their daughters, the images of sin, and the perpetrators of a heinous iniquity."<sup>3</sup>

Both common sense, and the law of the land designate such a practice as an actual sale of females; and the humane and liberal among Hindus, lament its existence, as well as the annihilation of female rights in respect of inheritance introduced by modern expounders. They, however, trust, that the humane attention of government will be directed to those evils which are the chief sources of vice and misery and even of suicide among women; and to this they are encouraged to look forward by what has already been done in modifying, in criminal cases, some parts of the law enacted by Muhammedan Legislators, to the happy prevention of many cruel practices formerly established.

How distressing it must be to the female community and to those who interest themselves in their behalf, to observe daily that several daughters in a rich family can prefer no claim to any portion of the property, whether real or personal, left by their deceased father, if a single brother be alive: while they (if belonging to a Kulin family or Brahman of higher rank) are exposed to be given in marriage to individuals who have already several wives and have no means of maintaining them.

Should a widow or a daughter wish to secure her right of maintenance, however limited, by having recourse to law, the learned Brahmans, whether holding public situations in the courts or not, generally divide into two parties, one advocating the cause of those females and the other that of their adversaries. Sometimes in these or other matters respecting the law, if the object contended for be important, the whole community seems to be agitated by the exertions of the parties and of their respective friends in claiming the verdict of the law against

<sup>1</sup> आददीत न शूद्रोऽपि शुल्कं दुहितरं ददन् ।  
शुल्कं हि गृह्णन् कुस्ते छन्नं दुहितृविक्रयम् ॥

<sup>2</sup> नानुशुभ्रमजात्वेतत् पूर्वेष्वपि हि जन्मसु ।  
शुल्कसंज्ञेन मूल्येन छन्नं दुहितृविक्रयम् ॥

<sup>3</sup> शुल्केन ये प्रयच्छन्ति स्वसुतां लोभमोहिताः ।  
कन्याविक्रयिणः पापा महाकिल्बिषकारिणः ॥

each other. In general, however, a consideration of the difficulties attending a law suit, which a native woman, particularly a widow, is hardly capable of surmounting, induces her to forego her right; and if she continues virtuous, she is obliged to live in a miserable state of dependence, destitute of all the comforts of life; it too often happens, however, that she is driven by constant unhappiness to seek refuge in vice.

At the time of the decennial settlement in the year 1793, there were among European gentlemen so very few acquainted with Sanskrit and Hindu law that it would have been hardly possible to have formed a committee of European oriental scholars and learned Brahmans, capable of deciding on points of Hindu law. It was, therefore, highly judicious in Government to appoint Pandits in the different Zillah Courts of Appeal, to facilitate the proceedings of Judges in regard to such subjects. But as we can now fortunately find many European gentlemen capable of investigating legal questions with but little assistance from learned natives, how happy would it be for the Hindu community, both male and female, were they to enjoy the benefits of the opinion of such gentlemen, when disputes arise, particularly on matters of inheritance.

Lest any one should infer from what I have stated, that I mean to impeach, universally, the character of the great body of learned Hindus, I declare positively, that this is far from my intention. I only maintain, that the Native community place greater confidence in the honest judgment of European gentlemen than in that of their own countrymen. But, should the natives receive the same advantages of education that Europeans generally enjoy, and be brought up in the same notions of honour, they will, I trust, be found, equally with Europeans, worthy of the confidence of their countrymen and the respect of all men.



## Rights of Hindus Over Ancestral Property

India, like other large empires, is divided into several extensive provinces, principally inhabited by Hindus and Mussulmans. The latter admit but a small degree of variety in their domestic and religious usages, while the Hindus of each province, particularly those of Bengal, are distinguished by peculiarities of dialect, habits, dress and forms of worship; and notwithstanding they unanimously consider their ancient legislators as inspired writers, collectively revealing human duties, nevertheless there exist manifest discrepancies among them in the received precepts of civil law.

2. When we examine the language spoken in Bengal, we find it widely different from that of any part of the western provinces, (though both derived from the same origin); so that the inhabitants of the upper country require long residence to understand the dialect of Bengal; and although numbers of the natives of the upper provinces, residing in Bengal, in various occupations, have seemingly familiarized themselves to the Bengalees, yet the former are imperfectly understood, and distantly associated with by the latter. The language of Tellingana and other provinces of the *Dukhun* not being of Sanskrit origin, is still more strikingly different from the language of Bengal and the dialects of the upper provinces. The variety observable in their respective habits, and forms of dress and of worship, is by no means less striking than that of their respective languages, as must be sufficiently apparent in ordinary intercourse with these people.

3. As to the rules of civil law, similar differences have always existed. The *Dayabhaga*, a work by Jimutavahana, treating of inheritance, has been regarded by the natives of Bengal as of authority paramount to the rest of the digests of the sacred authorities, while the *Mitakshara*, by Vijnaneswara, is upheld, in like manner, throughout the upper provinces, and a great part of the *Dukhun*. The natives of Bengal and those of the upper provinces believe alike in the sacred and authoritative character of the writings of Manu, and of the other legislating saints; but the former receive those precepts according to the interpretation given them by Jimutavahana, while the latter rely on the explanation of them by Vijnaneswara. The more modern author,

Jimutavahana, has often found occasion to differ from the other in interpreting sacred passages according to his own views, most frequently supported by sound reasoning; and there have been thus created everlasting dissensions among their respective adherents, particularly with regard to the law of inheritance.<sup>1</sup>

4. A European reader will not be surprised at the differences I allude to, when he observes the discrepancies existing between the Greek, Armenian, Catholic, Protestant, and Baptist churches, who, though they all appeal to the same authority, materially differ from each other in many practical points, owing to the different interpretations given to passages of the Bible by the commentators they respectively follow.

5. For further elucidation I here quote a few remarks from the preface to the translation of the *Dayabhaga*, and of a part of the *Mitakshara*, by Mr. Colebrooke, well known in the literary world, which are as follows: "It (the present volume) comprehends the celebrated treatise of Jimutavahana on succession, which is constantly cited by the lawyers of *Bengal*, under the emphatic title of *Dayabhaga*, or 'inheritance'; and an extract from the still more celebrated *Mitakshara*, comprising so much of this work as relates to inheritance. The range of its authority and influence is far more extensive than that of Jimutavahana's treatise, for it is received in all the schools of Hindu law, from Benares to the Southern extremity of the peninsula of India, as the chief groundwork of the doctrines which they follow, and as an authority from which they rarely dissent." (p. 4.) "The Bengal school alone, having taken for its guide Jimutavahana's treatise, which is, on almost every disputed point, opposite in doctrine to the *Mitakshara*, has no deference for its authority." (p. 4.) "But (between the *Dayabhaga* and the abridgements of its doctrines) the preference appeared to be decidedly due to the treatise of Jimutavahana himself, as well because he was the founder of this school, being the author of the doctrine which it has adopted, as because the subjects which he discusses, are treated by him with eminent ability and great precision." (p. 5.) The following is a saying current among the learned of Bengal, confirming the opinion offered by Mr. Colebrooke:

व्यवस्था द्विविधा प्रोक्ता दायभागमतामता ।

दायभागविरुद्धा या मता न दुष्प्रसम्भता ॥

"Opinions are said to be of two kinds, one founded on the authority of the *Dayabhaga*, and the other opposed to it; (but) what

<sup>1</sup> Of eighteen Treatises on various branches of Hindu Law, written by Jimutavahana, that on Inheritance alone is now generally to be met with.

is opposed to the *Dayabhaga* is not approved of by the learned."

6. From a regard for the usages of the country, the practice of the British courts in Bengal, as far as relates to the law of inheritance, has been hitherto consistent with the principles laid down in the *Dayabhaga*, and judgments have accordingly been given on its authority in many most important cases, in which it differs materially from the *Mitakshara*. I notice a few important cases of frequent occurrence, which have been fully discussed, and invariably decided by the judicial tribunals in Bengal, in conformity with the doctrines of Jimutavahana.

First. If a member of an undivided family dies, leaving no male issue, his widow shall not be entitled to her husband's share according to the *Mitakshara*; but according to the *Dayabhaga*, she shall inherit such undivided portion.<sup>1</sup>

Second. A childless widow, inheriting the property of her deceased husband, is authorised to dispose of it, according to the *Mitakshara*; but according to the *Dayabhaga*, she is not entitled to sell or give it away.<sup>2</sup>

<sup>1</sup> *Mitakshara*, Ch. II, Sec. i, Article 39. "Therefore it is a settled rule, that a wedded wife, being chaste, takes the whole estate of a man, who, being separated from his co-heirs, and not subsequently reunited with them, dies leaving no male issue."

*Dayabhaga*, Ch. XI, Sec. i, Art. 43. "But, on failure of heirs down to the son's grandson, the wife, being inferior in pretensions to sons and the rest, because she performs acts spiritually beneficial to her husband from the date of her widowhood (and not, like them, from the moment of their birth,) succeeds to the estate in their default."

Ditto, ditto, Art. 19. "Some reconcile the contradiction, by saying, that the preferable right of the brother supposes him either to be not separated or to be reunited; and the widow's right of succession is relative to the estate of one who was separated from his co-heirs, and not reunited with them. (Art. 20). That is contrary to a passage of Vrihaspati."

<sup>2</sup> *Mitakshara*, Ch. II, Sec. xi, Art. 2. "That, which was given by the father, mother, by the husband, or by a brother; and that, which was presented (to the bride) by the maternal uncles and the rest (as paternal uncles, maternal aunts, etc.) at the time of the wedding, before the nuptial fire; and a gift on a second marriage, or gratuity on account of supersession, as will be subsequently explained, ('To a woman whose husband marries a second wife let him give an equal sum as a compensation for the supersession.') And also property which she may have acquired by inheritance, purchase, partition, seizure, or finding, are denominated by Manu, and the rest, woman's property."

*Dayabhaga*, Ch. XI, Sec. i, Art. 56. "But the wife must only enjoy her husband's estate after his demise. She is not entitled to make a gift, mortgage, or sale of it."

Third. If a man dies, leaving one daughter having issue, and another without issue, the latter shall inherit the property<sup>1</sup> left by her father, according to the *Mitakshara*; while the former shall receive it, according to the *Dayabhaga*.

Fourth. If a man dies without issue or brothers, leaving a sister's son and a paternal uncle, the latter is entitled to the property, according to the *Mitakshara*; and the former, according to the *Dayabhaga*.<sup>2</sup>

Fifth. A man, having a share of undivided real property, is not authorized to make a sale or gift of it without the consent of the rest of his partners, according to the *Mitakshara*; but according to the *Dayabhaga*, he can dispose of it at his free will.<sup>3</sup>

Sixth. A man in possession of ancestral real property, though not under any tenure limiting it to the successive gene-

<sup>1</sup> *Mitakshara*, Ch. II, Sec. ii, Art. 4. "If the competition be between an unprovided and an enriched daughter, *the unprovided one inherits*; but, on failure of such, the enriched one succeeds," etc. Ch. II, Sec. xi, Art. 13. "Unprovided are such as are destitute of wealth or without issue." Hence a provided or enriched one, is such as has riches or issue.

*Dayabhaga*, Ch. XI, Sec. ii, Art. 3. "Therefore, the doctrine should be respected, which Dikshita maintains, namely, that a daughter who is *mother of male issue*, or who is *likely to become so*, is *competent to inherit*, not one, who is a widow, or is barren, or fails in bearing male issue, or bearing none but daughter or from some other cause."

<sup>2</sup> *Mitakshara*, Ch. II, Sec. v. (beginning with the phrase, "If there be not even brother's son etc.") Art. 4. "Here, on failure of the father's descendants (including father's son and grandsons), the heirs are successively the paternal grandmother, the paternal grandfather, *the uncle* and their sons."

*Dayabhaga*, Ch. XI, Sec. vi, Art. 8. "But, on failure of heirs of the father down to the great-grandson, it must be understood, that the succession devolves on *the father's daughter's son* (in preference to the uncle)."

<sup>3</sup> *Mitakshara*, Ch. I, Sec. i, Art. 30. "The following passage, 'separated kinsmen, as those who are unseparated, are equal in respect of immovables, for one has not power over the whole, to make a gift, sale or mortgage,' must be thus interpreted: among *unseparated kinsmen*, *the consent of all is indispensably requisite*, because no one is fully empowered to make an alienation, since the estate is in common; but among separated kindred, the consent of all tends to the facility of the transaction, by obviating any future doubt, whether they be separate or united; it is not required on account of any want of sufficient power in the single owner, and a transaction is consequently valid even without the consent of separated kinsmen."

*Dayabhaga*, Ch. II, Sec. xxvii. "For *here also* (in the very instance of land held in common) *as in the case of other goods*, *there equally exists a property consisting in the power of disposal at pleasure*."

rations of his family, is not authorized to dispose of it, by sale or gift, without the consent of his sons and grandsons, according to the *Mitakshara*; while, according to the *Dayabhaga*, he has the power to alienate the property at his free will.<sup>1</sup>

7. Numerous precedents in the decisions of the civil courts in Bengal, and confirmations on appeal by the King-in-Council, clearly show that the exposition of the law by the author of the *Dayabhaga*, as to the last mentioned point, so far from being regarded as a dead letter, has been equally, as in other points, recognized and adopted by the judicial authorities both here and in England. The consequence has been, that in the transfer of immovable property the natives of Bengal have hitherto firmly relied on those judicial decisions as confirming the ancient usages of the country, and that large sums of money have consequently been laid out in purchase of land without reference to any distinction between acquired and ancestral property.

8. Opinions have been advanced for some time past, in opposition to the rule laid down in the *Dayabhaga*, authorizing a father to make a sale or gift of ancestral property, without the

<sup>1</sup> *Mitakshara*, Ch. I. Sec. i, Art. 27. "Therefore it is settled point, that property, in the paternal or ancestral estate, is, by birth, (although) the father have independent power in the disposal of effects other than immovables, for indispensable acts of duty, and for purposes prescribed by text of law, as gift through affection, support of the family, relief from distress, and so forth; but he is subject to the control of his sons and the rest, in regard to the immovable estate, whether acquired by himself or *inherited from his father or other predecessor*; since it is ordained, 'Though immovables or bipeds have been acquired by a man himself, a gift or sale of them should not be made without convening all the sons. They who are born, and they who are yet unbegotten and they who are still in the womb, require the means of support: no gift or sale should therefore be made.'"

Ditto, Ch. I, Sec. v, Art. 10. "Consequently, the difference is this; although he has a right by birth in his father's and in his grandfather's property, still since, he is dependent on his father, in regard to the paternal estate, and since the father has a predominant interest, as it was acquired by himself, the son must acquiesce in the father's disposal of his own acquired property; but, since *both have indiscriminately a right in the grandfather's estate*; the son has a power of interdiction (if the father be dissipating the property.)"

*Dayabhaga*, Ch. II, Sec. xxviii. "But the texts of Vyasa, exhibiting a prohibition, are intended to show a moral offence, since the family is distressed by sale, gift or other transfer, which argues a disposition in the person to make an ill use of his power as owner. *They are not meant to invalidate the sale or other transfer.*" Ditto, Sec. xxvi, and Sec. xlv.

consent of his sons and grandsons. But these adverse notions created little or no alarm; since, however individual opinions may run, the general principles followed by every government are entirely at variance with the practice of groundlessly abrogating, by arbitrary decision, such civil laws of a conquered country as have been clearly and imperatively set forth in a most authoritative code, long adhered to by the natives, and repeatedly confirmed, for upwards of half a century, by the judicial officers of the conquerors. But the people are now struck with a mingled feeling of surprise and alarm, on being given to understand that the Supreme Law Authority in this country, though not without dissent on the Bench, is resolved to introduce new maxims into the law of inheritance hitherto in force in the province of Bengal; and has, accordingly, in conformity with the doctrines found in the *Mitakshara*, declared every dispositions by a father of his ancestral real property, without the sanction of his sons and grandsons, to be null and void.

9. We are at a loss how to reconcile the introduction of this arbitrary change in the law of inheritance with the principles of justice, with reason, or with regard for the future prosperity of the country—it appears inconsistent with the principles of justice; because a judge, although he is obliged to consult his own understanding, in interpreting the law in many dubious cases submitted to his decision, yet is required to observe strict adherence to the established law, where its language is clear. In every country, rules determining the rights of succession to, and alienation of property, first originated either in the conventional choice of the people, or in the discretion of the highest authority, secular or spiritual; and those rules have been subsequently established by the common usages of the country, and confirmed by judicial proceedings. The principles of the law as it exists in Bengal having been for ages familiar to the people, and alienations of landed property by sale, gift, mortgage, or succession having been for centuries conducted in reliance on the legality and perpetuity of the system, a sudden change in the most essential part of those rules cannot but be severely felt by the community at large; and alienations being thus subjected to legal contests, the courts will be filled with suitors, and ruin must triumph over the welfare of a vast proportion of those who have their chief interest in landed property.

10. Mr. Colebrooke justly observes, in his Preface to the translation of the *Dayabhaga*, that “The rules of succession to property being in their nature arbitrary, are in all systems of law merely conventional. Admitting even that the succession of

the offspring to the parent is so obvious as almost to present a natural and universal law, yet this very first rule is so variously modified by the usages of different nations, that its application at least must be acknowledged to be founded on consent rather than on reasoning. In the laws of one people the rights of primogeniture are established; in those of another the equal succession of all the male offspring prevails; while the rest allow the participation of the female with the male issue, some in equal, other in unequal proportions. Succession by right of representation and the claim of descendants to inherit in the order of proximity, have been respectively established in various nations according to the degree of favour with which they have viewed those opposite pretensions. Proceeding from lineal to collateral succession the diversity of laws prevailing among different nations, is yet greater, and still more forcibly argues the arbitrariness of the rules." (page 1).

11. We are at a loss how to reconcile this arbitrary change with reason; because, any being capable of reasoning would not, I think, countenance the investiture in one person, of the power of legislation with the office of judge. In every civilized country, rules and codes are found proceeding from one authority, and their execution left to another. Experience shows that unchecked power often leads the best men wrong, and produces general mischief.

12. We are unable to reconcile this arbitrary change with regard for the future prosperity of the country; because the law now proposed, preventing a father from the disposal of ancestral property, without the consent of his son and grandson, would immediately, as I observed before, subject all past transfers of land to legal contest, and would at once render this large and fertile province a scene of confusion and misery. Besides, Bengal has been always remarkable for her riches, insomuch as to have been styled by her Muhammedan conquerors "Junnutoolbelad," or paradise of regions; during the British occupation of India especially, she has been manifoldly prosperous. Any one possessed of landed property, whether self-acquired or ancestral, has been able, under the long established law of the land, to procure easily, on the credit of that property, loans of money to lay out on the improvement of his estate, in trade or in manufactures, whereby he enriches himself and his family and benefits the country. Were the change which it is threatened to introduce into the law of inheritance to be sanctioned, and the privilege of disposing of ancestral property (though not entailed) without the consent of heirs be denied to landholders, they being

incapacitated from a free disposal of the property in their actual possession, would naturally lose the credit they at present enjoy, and be compelled to confine their concerns to the extent of their actual savings from their income; the consequence would be, that a great majority of them would unavoidably curtail their respective establishments, much more their luxuries, a circumstance which would virtually impede the progress of foreign and domestic commerce. Is there any good policy in reducing the native of Bengal to that degree of poverty which has fallen upon a great part of the upper provinces, owing, in some measure, to the wretched restrictions laid down in the *Mitakshara*, their standard law of inheritance? Do Britons experience any inconvenience or disadvantage owing to the differences of legal institutions between England and Scotland, or between one country of England and another? What would Englishmen say, were the Court of King's Bench to adopt the law of Scotland, as the foundations of their decision regarding legitimacy, or of Kent, in inheritance? Every liberal politician will, I think, coincide with me, when I say, that in proportion as a dependent kingdom approximates to her guardian country in manners, in statutes, in religion, and in social and domestic usages, their reciprocal relation flourishes, and their mutual affection increases.

13. It is said that the change proposed has forced itself on the notice of the Bench upon the following premises:

First. Certain writings, such as the institutes of Manu and others, esteemed as sacred by Hindus, are the foundation of their law of inheritance. Secondly. That Jimutavahana, the author of the *Dayabhaga*, is but a commentator on those writings. Thirdly. That from these circumstances, such part of the commentary by Jimutavahana as gives validity to a sale or gift by a father of his ancestral immovables, without the consent of his son and grandson, being obviously at variance with sacred precepts found on the same subject, should be rejected, and all sales or gifts of the kind be annulled.

14. I agree in the first assertion, that certain writings received by Hindus as sacred, are the origin of the Hindu law of inheritance, but with this modification, that the writings supposed sacred are only, when consistent with sound reasoning, considered as imperative, as Manu plainly declares: "He *alone* comprehends the system of duties, religious and civil, who can reason, by rules of logic, agreeably to the *Veda*, on the general heads of that system as revealed by the holy sages." Ch. xii, v. 106. Vrihaspati: "Let no one found conclusions on the mere words of *Sastras*: from investigations without reason, religious virtue is



lost.”<sup>1</sup> As to the second position, I first beg to ask, whether or not it be meant by Jimutavahana’s being styled a *commentator* that he wrote commentaries upon all or any of those sacred institutes. The fact is, that no one of those sacred institutes bears his comment. Should it be meant that the author of the *Dayabhaga* was so far a commentator, that he called passages from different sacred institutes, touching every particular subject, and examining their purport separately and collectively, and weighing the sense deducible from the context, has offered that opinion on the subject which appeared to agree best with the series of passages cited collectively, and that when he has found one passage apparently at variance with another, he has laid stress upon that which seemed the more reasonable and more conformable to the general tenor, giving the other an interpretation of a subordinate nature, I readily concur in giving him the title of a commentator, though the word expounder would be more applicable. By way of illustration, I give here an instance of what I have advanced, that the reader may readily determine the sense in which the author of the *Dayabhaga* should be considered as a commentator.

15. In laying down rules “on succession to the estate of one who leaves no male issue,” this author first quotes (Ch. xi, page 158) the following text of Vrihaspati: “In scripture and in the code of law, as well as in popular practice, a wife is declared by the wise to be half the body of her husband, equally sharing the fruit of pure and impure acts. Of him, whose wife is not deceased, half the body survives: how then should another take his property, while half his person is alive? Let the wife of a deceased man, who left no male issue, take his share notwithstanding kinsmen, a father, a mother, or uterine brother, be present,” etc. He next cites the text of Yajnavalkya, (p. 190) as follows: “The wife and the daughters, also both parents, brothers likewise, and their sons, gentiles, cognates, a pupil, and a fellow student: on failure of the first among these, the next in order is indeed heir to the estate of one, who departed for heaven leaving no male issue. This rule extends to all persons and classes.” The author then quotes a text from the Institutes of Vishnu, ordaining that “the wealth of him who leaves no male issue, goes to his wife; on failure of her, it devolves on daughters; if there be none, it belongs to the mother,” etc. Having thus collected a series of passages from the Institutes of Vrihas-

<sup>1</sup> केवलं शास्त्रमाश्रित्य न कर्तव्योऽर्थनिर्णयः ।

युक्तिहीनविचारेण धर्महानिः प्रजायते ॥ बृहस्पति ॥

pati, Yajnavalkya, and Vishnu, and examined and weighed the sense deducible from the context, the author offers his opinion on the subject. "By this text, (by the seven texts of Vrihaspati, and by the text of Yajnavalkya,) relating to the order of succession, the right of the widow, to succeed in the first instance, is declared." "Therefore, the widow's right must be affirmed to extend to the whole estate." (p. 161)

16. The same author afterwards notices, in page 163, several texts of a seemingly contrary nature, but to which he does not hesitate to give a reconciling interpretation, without retracting or modifying his own decision. He quotes Sankha and Likhita, Paithinasi, and Yama, as declaring, "The wealth of a man who departs for heaven, leaving no male issue, goes to his brothers. If there be none, his father and mother take it; or his eldest wife, or a kinsman, a pupil, or a fellow student." Pursuing a train of long and able discussion, the author ventures to declare the subordinancy of the latter passage to the former, as the conclusion best supported by reason, and most conformable to the general tenor of the law. He begins saying, (p. 109) "From the text of Vishnu and the rest, (Yajnavalkya and Vrihaspati), it clearly appears, that the succession devolves on the widow, by failure of sons and other (male) descendants, and this is reasonable; for the estate of the deceased should go first to the son, grandson, and great grandson." He adds, on page 170, pointing out the ground on which the priority of a son's claim is founded, a ground which is applicable to the widow's case also, intimating the superiority of a widow's claim to that of a brother, a father, etc. "So Manu declares the right of inheritance to be founded on benefits conferred. 'By the eldest son, as soon as born, a man becomes the father of male issue, and is *exonerated from debt to his ancestors; such a son, therefore, is entitled to take the heritage.*'" The author next shows, that as the benefits conferred by a widow on her deceased husband, by observing a life of austerity, are inferior only to those procured to him by a son, grandson, and great grandson, her right to succession should be next to theirs in point of order, (p. 173.) "But, on failure of heirs down to the son's grandson, the wife, being inferior in pretensions to sons and the rest, because she performs acts spiritually beneficial to her husband from the date of her widowhood, (and not, like them, from the moment of their birth,) succeeds to the estate in their default." He thus concludes: "Hence (since the wife's right of succession is founded on reason) the construction in the text of Sankha, etc., must be arranged by connection of remote terms, in this manner: "The wealth of a man, who departs for

heaven, leaving no male issue, let his eldest (that is, his most excellent) wife take; or in her default, let the parents take it; on failure of them, 'it goes to the brothers.' The terms 'if there be none,' (that is, if there be no wife,) which occur in the middle of the text, are connected both with the preceding sentence 'it goes to his brothers,' and with the subsequent one, 'his father and mother take it.' For the text agrees with passages of Vishnu and Yajnavalkya, (which declare the wife's right,) and the reasonableness of this has been already shown." (p. 174.)

17. It is, however, evident that the author of the *Dayabhaga* gives here an apparent preference to the authority of one party of the saints over that of the other, though both have equal claims upon his reverence. But admitting that a Hindu author, an expounder of their law, sin against some of the sacred writers, by withholding a blind submission to their authority, and likewise that the natives of the country have for ages adhered to the rules he has laid down, considering them reasonable, and calculated to promote their social interest, though seemingly at variance with some of the sacred authors; it is those holy personages alone that have a right to avenge themselves upon such expounder and his followers; but no individual of mere secular authority, however high, can, I think, justly assume to himself the office of vindicating the sacred fathers, and punishing spiritual insubordination, by introducing into the existing law an overwhelming change in the attempt to restore obedience.

18. In this apparent heterodoxy, I may observe, Jimutavahana does not stand single. The author of the *Mitakshara* also has, in following, very properly, the established privilege of an expounder, reconciled, to reason, by a construction of his own, such sacred texts as appear to him, when taken literally, inconsistent with justice or good sense. Of this, numerous instances might easily be adduced, but the principle is so invariably adopted by this class of writers, that the following may suffice for examples. The author of the *Mitakshara* first quotes (Ch. I, Sec. iii, Arts. 3 and 4, pp. 263-265) the three following texts of Manu, allotting the best portion of the heritage to the eldest brother at the time of partition. "The portion deducted for the eldest is the twentieth part of the heritage, with the best of all the chattels; for the middlemost half of that; for the youngest, a quarter of it." "If a deduction be thus made let equal shares of the residue be allotted; but if there be no deduction, the shares must be distributed in this manner; let the eldest have a double share, and the next born a share and a half, and the younger

sons each a share; thus is the law settled.”<sup>1</sup> The author of the *Mitakshara* then offers his opinion in direct opposition to Manu, saying, “The author himself<sup>2</sup> has sanctioned an unequal distribution when a division is made during the father’s lifetime. ‘Let him either dismiss the eldest with the best share, etc.’<sup>3</sup> Hence an unequal portion is admissible in every period. How then is a restriction introduced, requiring that sons should divide only equal shares? (Art. 4.) The question is thus answered: ‘True, this unequal partition is found in the sacred ordinances; but it *must not be practised*, because it is abhorred by the world, (for) it secures not celestial bliss’;<sup>4</sup> as the practice (of offering bulls) is shunned, on account of popular prejudice, notwithstanding the injunction, ‘Offer to a venerable priest a bull or a large goat’; and as the slaying of a cow is for the same reason disused, notwithstanding the precept, ‘Slay a barren cow as a victim consecrated to Mitra and Varuna.’”<sup>5</sup> By adverting to the above exposition of the law, we find that the objection of heterodoxy, if urged against the authority of the *Dayabhaga*, is equally applicable to that of the *Mitakshara* in its full extent, and may be thus established. First. Certain writings, such as the institutes of Manu and of others, esteemed sacred by Hindus, are the foundation of the law of inheritance. Secondly. Vijnaneswara (author of the *Mitakshara*) is but a commentator on those writings. Thirdly. Therefore, such part of the commentary of Vijnaneswara as indiscriminately entitles all brothers to an equal share, being obviously at variance with the precepts of Manu found on the subject, should be rejected, and the best and the largest portion of the heritage, be allotted to the eldest brother, by judicial authorities; according to the letter of the sacred text. Again, take the *Mitakshara*, Ch. I, Sec. I, Art. 30, p. 257. “The following passage, ‘separated kinsmen, as those who are unseparated, are equal in respect of immovables, for one has not power over the whole to make a gift, sale, or mortgage; must be thus interpreted; ‘among unseparated kinsmen, the consent of all is indispensably requisite, because no one is fully empowered to make an alienation, since the estate is in common’; but among

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<sup>1</sup> Manu, Ch. ix, v. 112, v. 116 and 117

<sup>2</sup> Yajnavalkya

<sup>3</sup> *Ibid*

<sup>4</sup> A passage of Yajnavalkya, according to the quotation of Mitra Mishra in the *Viramitrodaya*, but ascribed to Manu in Balambhatta’s commentary. It has not, however, been found either in Manu’s or Yajnavalkya’s Institutes. —Mr. Colebrooke.

<sup>5</sup> Passage of the *Veda*

separated kindred, the consent of all tends to the facility of the transaction, by obviating any future doubt, whether they be separated or united: it is not required, on account of any want of sufficient power in the single owner, and *the transaction is consequently valid even without the consent of separated kinsmen.*" *Mitakshra*, Ch. I, Sec. II, Art. 20, p. 316. "The legitimate son is the sole heir of his father's estate; but, for the sake of innocence, he should give a maintenance to the rest." This text of Manu must be considered as applicable to a case, where the adopted sons (namely, the son given and the rest) are disobedient to the legitimate son and devoid of good qualities."

19. I now proceed to the consideration of the last point, as the ground on which the change proposed is alleged to be founded. To judge its validity we should ascertain whether the interpretations given by the author of the *Dayabhaga*, to the sacred texts, touching the subject of free disposal by a father of his ancestral property, are obviously at variance with those very texts, or if they are conformable to sound reason and the general purport of the passage cited collectively on the same subject. With this view I shall here repeat, methodically, the series of passages quoted by the author of the *Dayabhaga*, relating to the above point, as well as his interpretation and elucidation of the same.

20. To show the independent and exclusive right of a father in the property he possesses, (of course with the exception of estates entailed) the author first quotes the following text of Manu.

After the (death of the) father and the mother, the brethren, being assembled, must divide equally the paternal estate: For *they have not power over it, while their parents live.* Ch. I, Sec. 14, p. 8.

He next quotes Devala:

"When the father is deceased, let the sons divide the father's wealth; for *sons have not ownership while the father is alive* and free from defect." Ch. I, Sec. 18, p. 9.

After a long train of discussion, the author appeals to the above texts as the foundation of the law he has expounded, by saying:

"Hence the text of Manu, and the rest (as Devala) must be taken as showing, that sons have not a right of ownership in the wealth of the living parents, but in the estates of both when deceased." Ch. I, Sec. 30, pp. 13 and 14.

21. To illustrate the position that the father is the sole and independent owner of the property in his possession, whether

self-acquired or ancestral, the author thus proceeds:

“A division of it does not take place without the father’s choice; since Manu, Narada, Gotama, Baudhayana, Sankha, and Likhita, and others (in the following passages: ‘they have not power over it’; ‘they have not ownership while their father is alive and free from defect’; ‘while he lives if he desires partition’; ‘partitions of heritage by consent of the father’; ‘partition of the estate being authorized while the father is living,’ etc.) declare without restriction, that sons *have not a right to any part of the estate while the father is living, and that partition awaits his choice*: for these texts, declaratory of a want of power and requiring the father’s consent, must relate also to property *ancestral*, since the same authors *have not separately propounded a distinct period for the division of an estate inherited from an ancestor.*” Ch. II, Sec. 8, p. 25.

The circumstances of the partition of estates being entirely dependent on the will of the father, and the son’s being precluded from demanding partition while the father is alive, sufficiently prove that they have not any right in the estate during his lifetime; or else the sons, as having property in the estate jointly with the father, would have been permitted to demand partition. Does not common sense abhor the system of a son’s being empowered to demand a division between himself and his father of the hereditary estate? Would not the birth of a son with this power, be considered in the light of a curse rather than a blessing as subjecting a father to the danger of having his peaceable possession of the property inherited from his own father or other ancestor disturbed?

22. The author afterwards reasons on those passages that are of seemingly contrary authority; first quoting the text of Yajnavalkya, as follows: “The ownership of father and son is the same in land which was acquired by his father, or in a corrody, or in chattels”. He adopts the explanation given to this text by the most learned, the ancient Udyota, affirming that it “properly signifies, as rightly explained by the learned Udyota, that, when one of two brothers, whose father is living, and who have not received allotments, dies leaving a son, and the other survives, and the father afterwards deceases, the text, declaratory of similar ownership, is intended to obviate the conclusion, that the surviving son alone obtains his estate, because he is next of kin. As the father has ownership in the grandfather’s estate; so have his sons, if he be dead.” Ch. II, Sec. 9, p. 25. The author then points out, that “such interpretation given to the text, as declares the claims of a grandson upon the estate of his grand-

father equal to those of his father, while the father is living, is palpably objectionable; for, if sons had ownership during the life of their father, in two brothers, one of whom has male issue, and the other has none, the children of that one would participate, since (according to the opposite opinion) they have equally ownership." Ch. II, Sec. II, p. 26. He next quotes Vishnu: "When a father separates his sons from himself, his will regulates the division of his own acquired wealth. But in the estate inherited from the grandfather, the ownership of father and sons is equal." Upon this text the author of the *Dayabhaga* justly remarks in the following terms. "This is very clear; *when* the father separates his sons from himself, he may by his own choice, give them greater or less allotments, if the wealth were acquired by himself: but not so, if it were property inherited from the grandfather, because they have an equal right to it. The father has not in such case an unlimited discretion." Ch. II, Sec. 17, p. 27. That is, *a father dividing his property among his sons, to separate them from himself during lifetime*, is not authorized to give them of his own caprice, greater or less allotments of his ancestral estate, as the phrase in the above text of Vishnu, "when a father separates his sons from himself," etc., prohibits the free disposal by a father of his ancestral property *only* on the occasion of allotments among his sons to allow them separate establishments. The author now conclusively states, that "hence (since the text becomes pertinent, by taking it in the sense above stated, or because there is ownership restricted by law in respect of shares, and not an unlimited discretion), both opinions, that the mention of like ownership provides for an equal division between father and son in the case of property ancestral, and that it establishes the son's right to require partition, ought to be rejected." Ch. II, Sec. 18, p. 27.

23. The author, thirdly, quotes Yajnavalkya. "The father is master of the gems, pearls and corals, and of all (other movable property), but neither the father, or the grandfather, is so of the *whole* immovable estate;" and points out the sense conveyed by the term "the whole", found in the above passage, saying, "since here also it is said the 'whole', this prohibition forbids the gift or other alienation of the *whole*, because (immovables and similar possessions are) means of supporting the family." (Ch. II, Sec. 23). That is, the father is likewise master of the ancestral estate, though not of the whole of it, implies that a father may freely dispose of a part of his ancestral estate, even without committing a moral offence. This passage of Yajnavalkya, cited by the opposite party, who deny to the father the power of free

disposal of ancestral estates, runs, in a great measure, against them, since it disapproves a sale or gift by a father only of the whole of his ancestral landed property, while his sons are living, withholding their consent.

24. To justify the disposal by a father, under particular circumstances, even of the whole of his ancestral estate, without incurring a moral offence, the author adds, (Ch. II, Sec. 26.) "But if the family cannot be supported without selling the whole immovable and other property, even the *whole* may be sold or otherwise disposed of as appears from the obvious sense of the passage, and because it is directed, that a man should by *all means* preserve himself"; and because a sacred writer positively enjoins the maintenance of one's family by all means possible, and prefers it to every other duty, "His aged mother and father, dutiful wife, and son under age, should be maintained even by committing a hundred unworthy acts.<sup>1</sup> Thus directed Manu." vide *Mitakshara*, Ch. II. Manu positively says: "A mother, a father, a wife, and son shall not be forsaken; he, who forsakes either of them, unless guilty of a deadly sin, shall pay six hundred *panas* as a fine to the king." (Ch. VIII, v. 389)

25. He, fourthly, quotes two extraordinary texts of Vyasa, as prohibiting the disposal, by a single parcener, of his share in the immovables, under the notion that each parcener has his property in the whole estate jointly possessed. These texts are as follows: "A single parcener may not, without consent of the rest, make a sale or gift of the whole immoveable estate, nor of what is common to the family." "Separated kinsmen, as those who are unseparated, are equal in respect of immovables: for one has not power over the whole to give, mortgage, or sell it." Upon which the author of the *Dayabhaga* remarks, Ch. II. Sec. 27: "It should not be alleged that by the texts of Vyasa one person has not power to make a sale or other transfer of such property. For here also (in the very instance of land held in common) as in the case of other goods, there equally exists a property consisting in the power of disposal at pleasure." That is, a partner has, in common with the rest, an undisputed property existing either in the whole of the movables, and immovables, or in an undivided portion of them; he, therefore, should not be, or cannot be, prevented from executing at his pleasure, a transfer of his right to another by a sale, gift, or mortgage of it.

26. In reply to the question, what might be the consequence

<sup>1</sup> वृद्धौ च मातापितरौ साध्वी भार्या सुतः शिशु ।

अप्यकार्यं शतं कृत्वा अर्त्तव्या मनुरब्रवीत् ॥



of disregard to the prohibition conveyed by the above texts of Vyasa, the author says: "But the texts of Vyasa exhibiting a prohibition, are intended to show a moral offence; since the family is distressed by a sale, gift or other transfer, which argues a disposition in the person to make an ill use of his power as owner. They are not meant to invalidate the sale or other transfer." (Ch. II, Sec. 28.) A partner is as completely a legal owner of his own share, (either divided or undivided) as a proprietor of an entire estate; and consequently a sale or gift executed by the former, of his own share, should, with reason, be considered equally valid, as a contract by the latter of his sole estate. Hence prohibition of such transfer being clearly opposed to common sense and ordinary usage, should be understood as only forbidding a dereliction of moral duty, committed by those who infringe it, and not as invalidating the transfer.

27. In adopting this mode of exposition of the law, the author of the *Dayabhaga* has pursued the course frequently inculcated by Manu and others; a few instances of which I beg to bring briefly to the consideration of the reader, for the full justification of this author. Manu, the first of all Hindu legislators, prohibits donation to an unworthy Brahman in the following terms: "Let no man, apprised of this law, present, even water to a priest, who acts like a cat, nor to him who acts like a bittern, nor to him who is unlearned in the *Veda*." (Ch. IV, v. 192) Let us suppose that in disregard to this prohibition a gift has been actually made to one of those priests; a question then naturally arises, whether this injunction of Manu's invalidates the gift, or whether such infringement of the law only renders the donor guilty of a moral offence. The same legislator, in continuation, thus answers: "Since property, though legally gained, if it be given to either of those three, becomes prejudicial in the next world both to the giver and receiver." (v. 193.) The same authority forbids marrying girls of certain descriptions, saying, "Let him not marry a girl with reddish hair, nor with any deformed limb, nor one troubled with habitual sickness, nor one either with no hair or with too much, nor one immoderately talkative; nor one with inflamed eyes." (Ch. III, v. 8). Although this law has been very frequently disregarded, yet no voidance of such a marriage, where the ceremony has been actually and regularly performed, has ever taken place; it being understood that the above prohibition, not being supported by sound reason, only involves the bridegroom in the religious offence of disregard to a sacred precept. He again prohibits the acceptance of a gratuity, on giving a daughter in marriage naming every marriage

of this description *Asura*, as well as declaring an *Asura* marriage to be illegal; but daughters given in marriage, on receiving a gratuity have been always considered as legal wives, though their fathers are regarded with contempt, as guilty of a deadly sin. The passages above alluded to are as follows: (Manu.):

“But even a man of the servile class *ought not to receive a gratuity* when he gives his daughter in marriage; since a father, who takes a fee *on that occasion*, tacitly *sells* his daughter.” (Ch. IX, v. 98).

“When the bridegroom, having given as much wealth as he can afford to the father and paternal kinsmen and to the damsel herself, takes her voluntarily as his bride; that marriage is named *Asura*.” (Ch. III, v. 31).

“But in this code, three of the five last are held legal, and two illegal, the ceremonies of *Pisachas* and *Asuras* must never be performed.” (Ch. III, v. 25).

28. The author finally quotes the following text: “Though immovables or bipeds have been acquired by a man himself, a gift or sale of them (*should*) not (*be made*) by him, unless convening all the sons”; and he proceeds affirming: “So likewise other texts as this, must be interpreted in the same manner (as before). For the words ‘should’ and ‘be made’ must necessarily be understood.” (Ch. II, Sec. 29). That is, there is a verb wanting in the above phrase “a gift or a sale not by him,” consequently “should” or “ought” and “be made” are necessarily to be inserted, and the phrase is thus read: “A gift or sale *should* not be or ought not to be made by him,” expressing a prohibition of the free disposal by a father even of his self-acquired immovables. This text also, says the author, cannot be intended to imply the invalidity of a gift or sale by a lawful owner; but it shows a moral offence by breach of such a prohibition: “Since the family is distressed by a sale, gift, or other transfer, which argues a disposition in the person to make an ill use of his power as owner.” Moreover, as Manu, Devala, Gotama, Bau-dhayana, Sankha, and Likhita, and others represent a son as having no right to the property in possession of the father, in the plainest terms, as already quoted in para 21, no son should be permitted to interfere with the free disposal by the father of the property he actually possesses. The author now concludes the subject with this positive decision: “Therefore, since it is denied that a gift or sale should be made, the precept is infringed by making one. But the gift or transfer is not null; for a fact cannot be altered by a hundred texts.” (Ch. II, Sec. 30).

29. In illustration of this principle it may be observed,

that a man legally possessed of immovable property (whether ancestral or self-acquired) has always been held responsible and punishable as owner, for acts occurring on his estate, of a tendency hurtful to the peace of his neighbours or injurious to the community at large. He, even forfeits his estate, if found guilty of treason or similar crimes, though his sons and grandsons are living who have not connived at his guilt. In case of default on his part in the discharge of revenue payable to government from the estate, he is subjected to the privation of that property by public sale under the authority of government. He is, in fact, under these and many other circumstances, actually and virtually acknowledged to be the lawful and perfect owner of his estate; a sale or gift by him of his property must therefore stand valid or unquestionable. Sacred writings although they prohibit such a sale or gift as may distress the family, by limiting their means of subsistence, cannot alter the fact, nor do they nullify what has been effectually done. I have already pointed out in the 37th paragraph the sense in which prohibitions of a similar nature should be taken, according to the authority of Manu, which the reader is requested not to lose sight of. Mr. Colebrooke judiciously quotes (page 32) the observation made by Raghunandana (the celebrated modern expounder of law in Bengal) on the above passage of the *Dayabhaga*, ("A fact cannot be altered by a hundred texts") which is as follows: "If a Brahman be slain, the precept 'Slay not a Brahman' does not annul the murder; nor does it render the killing of a Brahman impossible. What then? It declares the sin." Admitting for a moment that this sacred text (quoted in the *Mitakshara* also) be interpreted conformably to its apparent language and spirit, it would be equally opposed to the argument of our adversaries, who allow a father to be possessed of power over his self-acquired property; since the text absolutely denies to the father an independent power even over his self-acquired immovables, declaring, "Though *immovables* and bipeds have been *acquired by a man himself*", etc., etc. In what a strange situation is the father placed if such be really the law! How thoroughly all power over his own possessions is taken away, and his credit reduced!

30. The author quotes also two passages from Narada, as confirming the course of reasoning which he has pursued, with regard to the independence claimable by each of all the co-heirs in a joint property. The passages above alluded to are thus read: "When there are many persons sprung from one man, who have duties apart and transactions apart, and are separate

in business and character, if they be not accordant in affairs, should they give or sell their own shares, they do all that as they please; *for they are masters of their own wealth.*" (Ch. II, Sec. 31).

31. After I had sent my manuscript to the Press, my attention was directed to an article in the "*Calcutta Quarterly Magazine*, No. VI, April-June, 1825", being a Review of Sir F. W. McNaghten's considerations on Hindu Law. In this essay I find an opinion offered by the writer tending to recommend that any disposal by a father of his ancestral immovables should be nullified, on the principle that we ought "*to make that invalid which was considered immoral.*" (p. 25). I am surprised that this unqualified maxim should drop from the pen of the presumed reviewer, who, as a scholar, stands very high in my estimation, and from whose extensive knowledge more correct judgment might be expected. Let us, however, apply this principle to practice, to see how far, as a general rule, it may be safely adopted.

32. To marry an abandoned female, is an act of evil moral example: Are such unions to be therefore declared invalid, and the offspring of them rendered illegitimate?

To permit the sale of intoxicating drugs and spirits, so injurious to health, and even sometimes destructive of life, on the payment of duties publicly levied, is an act highly irreligious and immoral: Is the taxation to be, therefore, rendered invalid and payments stopped?

To divide spoils gained in a war commenced in ambition and carried on with cruelty, is an act immoral and irreligious: Is the partition therefore to be considered invalid, and the property to be replaced?

To give a daughter in marriage to an unworthy man, on account of his rank or fortune, or other such consideration, is a deed of mean and immoral example: Is the union to be therefore considered invalid, and their children illegitimate?

To destroy the life of a fellow-being in a duel, is not only immoral, but is reckoned by many as murder: Is not the practice tacitly admitted to be legal, by the manner in which it is overlooked in courts of justice?

33. There are of course acts lying on the border of immorality, or both immoral and irreligious; and these are consequently to be considered invalid: such as the contracting of debts by way of gambling, and the execution of a deed on the Sabbath day. The question then arises, how shall we draw a line of distinction between those immoral acts that should not be considered invalid, and those that should be regarded as null in the eye of the law? In answer to this we must refer to the

common law and the established usages of every country, as furnishing the distinctions admitted between the one class and the other. The reference suggested is, I think, the sole guide upon such questions; and pursuant to this maxim, I may be permitted to repeat, that according to the law and usages of Bengal, although a father may be charged with breach of religious duty, by a sale or gift of ancestral property at his own discretion, he should not be subjected to the pain of finding his act nullified; nor the purchaser punished with forfeiture of his acquisition. However, when the author of the Review shall have succeeded in inducing British legislators to adopt his maxim, and declare that the validity of every act shall be determined by its consistence with morality, we may then listen to his suggestion, for applying the same rule to the Bengal Law of Inheritance.

34. The writer of this Review quotes (in p. 221) a passage from the *Dayabhaga*, (Ch. II, Sec. 76) "Since the circumstance of the father being lord of all the wealth, is stated as a reason, and that cannot be in regard to the grandfather's estate, an unequal distribution, made by the father, is lawful only in the instance of his own acquired wealth." He then comments, saying, "nothing can be more clear than Jimutavahana's assertion of this doctrine." But it would have been still more clear, if the writer had cited the latter part of the sentence obviously connected with the former; which is that, "accordingly Vishnu says, 'when a father separates his sons from himself his own will regulates the division of his own acquired wealth. But in the estate inherited from the grandfather, the ownership of father and son is equal.'" That is, a father is not absolute lord of his ancestral property, (as he is of his own acquired wealth), *when occupied in separating his sons from himself* during his life. This is evident from the explanation given by the author of the *Dayabhaga* himself, of the above text of Vishnu, in Sec. 56, (Ch. II). "The meaning of this passage is, 'in the case of his own acquired property, whatever he may choose to reserve, whether half or two shares, or three, all that is permitted to him by the law; but not so in the case of property ancestral;'" as well as from the exposition by the same author of this very text of Vishnu, in Sec. 17, (Ch. II), already fully illustrated as applicable solely to the occasion of partition, *vide* para 22, p. 27.

35. It would have been equally clear as desirable, because *conclusive*, if the writer of the article had also quoted the following passage of the *Dayabhaga* touching the same subject (Ch. II, Sec. 46): "By the reasoning thus set forth, if the elder brother have two shares of the father's estate, how should the

highly venerable father, being the natural parent of the brothers, and *competent to sell, give, or abandon the property*, and being the root of all connection with the *grandfather's estate*, be not entitled, in like circumstances, to a double portion of his own father's wealth?"

36. In expounding the following text of Yajnavalkya, "the father is master of the gems, pearls, and corals, and of all (other movable property), but neither the father, nor the grandfather, is so of the whole immovable estate"; the author of the *Dayabhaga* first observes (Ch. II, Sec. 23): "since the grandfather is here mentioned, the text must relate to his effects." He then proceeds, saying, "since here also it is said 'the whole', the prohibition forbids the gift or other alienation of the 'whole'," etc; and thus concludes the Section (24): "for the insertion of the word 'whole' would be unmeaning (if the gift of even a small part were forbidden)." The author of the *Dayabhaga* does not stop here; but he lays down the following rule in the succeeding section already quoted, (26): "but if the family cannot be supported without selling the *whole immovable* and other property, even the *whole* may be sold or otherwise disposed of: as appears from the obvious sense of the passage, and because it is directed, that "a man should by all means preserve himself." Here Jimutavahana justifies, in the plainest terms, the sale and other disposal by a father of the *whole* of the estate *inherited from his own father* for the maintenance of his family or for self-preservation, without committing even a moral offence: but I regret that this simple position by Jimutavahana should not have been adverted to by the writer of the article while reviewing the subject.

37. To his declaration, that "nothing can be more clear than Jimutavahana's assertion of this doctrine," the reviewer adds the following phrase: "and the doubt cast upon it by its expounders, Raghunandana, Sri Krishna Tarkalankara and Jagannatha, is wholly gratuitous. In fact, the latter is chiefly to blame for the distinction between illegal and invalid acts." It is, I think, requisite that I should notice here who these three expounders were, whom the writer charges with the invention of this doctrine; at what periods they lived, and how they stood and still stand in the estimation of the people of Bengal. To satisfy any one on these points, I have only to refer to the accounts given of them by Mr. Colebrooke, in his preface to the translation of the *Dayabhaga*. In speaking of Raghunandana, he says: "it bears the name of Raghunandana, the author of the *Smṛititāva*, and the greatest authority on Hindu Law in the

province of Bengal." "The *Dayatatwa*, or so much of the *Smrititattwa* as relates to inheritance, is the undoubted composition of Raghunandana; and in deference to the greatness of the author's name, and the estimation in which his works are held among the learned Hindus of Bengal, has been throughout diligently consulted and carefully compared with Jimutavahana's treatise, on which it is almost exclusively founded." (p. vii) "Now Raghunandana's date is ascertained at about three hundred years from this time," etc. (p. xii). Mr. Colebrooke thus introduces Sri Krishna Tarkalankara: "the commentary of Sri Krishna Tarkalankara on the *Dayabhaga* of Jimutavahana, has been chiefly and preferably used. This is the most celebrated of the glosses on the text. Its authority has been long gaining ground in the schools of law throughout Bengal; and it has almost banished from them the other expositions of the *Dayabhaga*; being ranked in general estimation, next to the treatises of Jimutavahana and of Raghunandana." (p. vi). "The commentary of Maheswara is posterior to those of Chudamani and Achyuta, both of which are cited in it; and is probably anterior to Sri Krishna's or at least nearly of the same date." (p. vii). In the note at foot he observes, "great-grandsons of both these writers were living in 1806." Hence it may be inferred, that Sri Krishna Tarkalankara lived above a century from this time. Mr. Colebrooke takes brief notice of Jagannatha Tarkapanchanana, saying, "A very ample compilation on this subject is included in the *Digest of Hindu Law*, prepared by Jagannatha, under directions of Sir William Jones, etc." (p. ii). The last mentioned, Jagannatha, was universally acknowledged to be the first literary character of his day, and his authority has nearly as much weight as that of Raghunandana.

38. Granting for a moment that the doctrine of free disposal by a father of his ancestral property is opposed to the authority of Jimutavahana, but that this doctrine has been prevalent in Bengal for upwards of three centuries, in consequence of the erroneous exposition of Raghunandana, "*the greatest authority of Hindu law in the province of Bengal*," by Sri Krishna Tarkalankara, the author of "*the most celebrated of the glosses of the text*," and by the most learned Jagannatha; yet it would, I presume, be generally considered as a most rash and injurious, as well as ill advised, innovation, for any administrator of Hindu Law of the present day to set himself up as the corrector of successive expositions, admitted to have been received and acted upon as authoritative for a period extending to upwards of three centuries back.

39. In the foregoing pages my endeavour has been to show that the province of Bengal, having its own peculiar language, manners and ceremonies, has long enjoyed also a distinct system of law. That the author of this system has greatly improved on the expositions followed in other provinces of India, and, therefore, well merits the preference accorded to his exposition by the people of Bengal. That the discrepancies existing amongst the several interpretations of legal texts are not confined alone to the law of disposition of property by a father, but extend to other matters. That in following those expositions which best reconcile law with reason, the author of the Bengal system is warranted by the highest sacred authority, as well as by the example of the most revered of his predecessors, the author of the *Mitakshara*; and that he has been eminently successful in his attempt at so doing, more particularly by unfettering property, and declaring the principle, that the alienator of an hereditary estate is only morally responsible for his acts, so far as they are unnecessary, and tend to deprive his family of the means of support. That he is borne out in the distinction he has drawn between moral precepts, a disregard to which is sinful, leaving the act valid and legal, and absolute injunctions, the acts in violation of which are null and void. If I have succeeded in this attempt, it follows that any decision founded on a different interpretation of the law, however widely that exposition may have been adopted in other provinces, is not merely retrograding in the social institutions of the Hindu community of Bengal, mischievous in disturbing the validity of existing titles to property, and of contracts founded on the received interpretation of the law, but a violation of the charter of justice, by which the administration of the existing law of the people in such matters was secured to the inhabitants of this country.





## **On Religion**

*Raja Rammohun Roy wrote profusely on various subjects and most on religious problems. It was as early as 1804 that he produced his first major work, "Tufat-ul-Muahiddin" or "A gift to the Believers in One God". With its introduction in Arabic and the text in Persian, it was his first shot in the battle against orthodoxy and bigotry.*

*In the years that followed and more especially after settling down in Calcutta in 1814, Raja Rammohun Roy worked actively to spread the knowledge of the Hindu scriptures. Study of the Sanskrit language being confined to a few, the ordinary people had no direct access to the Vedas and were thus the victims of various superstitions spread by the vested interests. Raja Rammohun Roy translated several Upanishads into Bengali and also English. This earned him the wrath of the vested interests who spared no efforts to vilify him.*

*Raja Rammohun Roy believed in the Oneness of God and the fundamental unity of all religions. He did not reject any truth to be found in any scriptures and in the teachings of any prophet. He was, however, opposed to meaningless ritualism and idolatry.*

*The treatise "Abridgement of the Vedanta" was published in 1816. The Bengali edition of the same had been brought out a year earlier. In a longish title, he called the English version "Translation of an abridgement of the Vedanta or the Resolution of all the Vedas, the most celebrated and revered work of Brahmanical Theology, establishing the unity of the Supreme Being, and that He alone is the object of propitiation and worship".*

*The tract aroused wide interest in Europe and America.*

*In 1827, he brought out the Gayatri, calling it the "Prescript for offering supreme worship by means of the Gayatri, the most sacred text of the Vedas". It was, as the author put it, "a translation into English of a Sanskrit tract inculcating the divine worship; esteemed by those who believe in the revelation of the Vedas as most appropriate to the nature of the Supreme Being".*

*Another treatise included in this book "The Universal Religion—Religious instructions founded on sacred authorities" was published in 1829.*

*In "The Precepts of Jesus, the Guide to Peace and Happiness", first published in 1820, Raja Rammohun Roy has given a compilation of several quotations from St. Matthew, St. Mark, St. Luke and St. John taken from the New Testament. He also rendered them into Sanskrit and Bengali.*

*Rammohun's veneration for the teachings of Christ found expression in his book, "The Precepts of Jesus". He described*

*the Precepts as a code of religion and morality well fitted to regulate the conduct of the whole human race in the discharge of all the duties required of them. These are a sufficient guide to secure peace and happiness to mankind at large.*

*In compiling the Precepts, Raja Rammohun Roy separated them from the dogmas and other matters contained in the New Testament. The moral precepts found in the book, he said, are more likely to produce the desirable effect of improving the hearts and minds of men of different persuasions and degrees of understanding. But the historical and some other passages in the New Testament are "liable to the doubts and disputes of free-thinkers and anti-Christians, especially miraculous relations, which are much less wonderful than the fabricated tales handed down to the natives of Asia.*

*The missionaries reacted sharply to the book and they called Rammohun Roy a heathen. This was because, according to them, he as a staunch believer in the unity of Godhead, he did not subscribe to the concept of the trinity, dogma, mystery and miracle.*

*Answering the charges made against him, Raja Rammohun Roy brought out another tract entitled "An Appeal to the Christian Public in defence of the Precepts of Jesus".*

*Carrying on his fight against Christian orthodoxy, he later published the "Second Appeal to the Christian Public" and then the "Final Appeal".*

*The writings evoked much controversy. But Raja Rammohun Roy summed up the purpose of true religion when he wrote in the first Appeal: "May God render religion destructive of differences and dislike between man and man, and conducive to the peace and union of mankind.—Amen."*



## The Precepts of Jesus

A conviction in the mind of its total ignorance of the nature and of the specific attributes of the Godhead, and a sense of doubt respecting the real essence of the soul, give rise to feelings of great dissatisfaction with our limited powers, as well as with all human acquirements which fail to inform us on these interesting points. On the other hand, a notion of the existence of a supreme superintending power, the Author and Preserver of this harmonious system, who has organized and who regulates such an infinity of celestial and terrestrial objects, and a due estimation of that law which teaches that man should do unto others as he would wish to be done by, reconcile us to human nature, and tend to render our existence agreeable to ourselves and profitable to the rest of mankind. The former of these sources of satisfaction, viz., a belief in God, prevails generally; being derived either from tradition and instruction, or from an attentive survey of the wonderful skill and contrivance displayed in the works of nature. The latter, although it is partially taught also in every system of religion with which I am acquainted, is principally inculcated by Christianity. This essential characteristic of the Christian religion I was for a long time unable to distinguish as such, amidst the various doctrines I found insisted upon in the writings of Christian authors, and in the conversation of those teachers of Christianity with whom I have had the honour of holding communication. Amongst these opinions, the most prevalent seems to be, that no one is justly entitled to the appellation of Christian who does not believe in the divinity of Christ and of the Holy Ghost, as well as in the divine nature of God, the Father of all created beings. Many allow a much greater latitude to the term Christian, and consider it as comprehending all who acknowledge the Bible to contain the revealed will of God, however they may differ from others in their interpretations of particular passages of Scripture; whilst some require from him who claims the title of Christian, only an adherence to the doctrines of Christ, as taught by himself, without insisting on implicit confidence in those of the Apostles, as being, except when speaking from inspiration, like other men, liable to mistake and error. That they were so, is obvious from the several instances of differences

of opinion amongst the Apostles recorded in the Acts and Epistles.<sup>1</sup>

Voluminous works, written by learned men of particular sects for the purpose of establishing the truth, consistency, rationality, and priority of their own peculiar doctrines, contain such variety of arguments, that I cannot hope to be able to adduce here any new reasonings of sufficient novelty and force to attract the notice of my readers. Besides, in matters of religion particularly men in general, through prejudice and partiality to the opinions which they once form, pay little or no attention to opposite sentiments (however reasonable they may be) and often turn a deaf ear to what is most consistent with the laws of nature, and conformable to the dictates of human reason and divine relation. At the same time, to those who are not biased by prejudice and who are, by the grace of God, open to conviction, a simple enumeration and statement of the respective tenets to different sects may be a sufficient guide to direct their inquiries in ascertaining which of them is most consistent with the sacred traditions and most acceptable to common sense. For these reasons, I decline entering into any discussion on those points, and confine my attention at present to the task of laying before my fellow-creatures the words of Christ with a translation from the English into Sanskrit, and the language of Bengal. I feel persuaded that by separating from the other matters contained in the New Testament, the moral precepts found in that book, these will be more likely to produce the desirable effect of improving the hearts and minds of men of different persuasions and degrees of understanding. For, historical and some other passages are liable to the doubts and disputes of free-thinkers and anti-Christians, especially miraculous relations, which are much less wonderful than the fabricated tales handed down to the natives of Asia<sup>2</sup> and consequently would be apt, at best, to carry little weight with them. On the contrary, moral doctrines tending evidently to the maintenance of the peace and harmony of mankind at large, are beyond the reach of metaphysical perversion, and intelligible alike to the learned and to the unlearned. This simple code of religion and morality is so admirably calculated to alleviate men's ideas to high and liberal notions of God, who

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<sup>1</sup> Vide Acts, ch. xi. 2, 3, ch. xv, 2, 7; I Corinthians, ch. i, 12; Galatians, ch. ii, 11, 12, 13

<sup>2</sup> Agasti is famed for having swallowed the ocean when it had given him offence and having restored it by urinary evacuation: at his command, also, the Vindhya range of mountains prostrated itself and so remains. (Wilson's Dictionary)

has equally subjected all living creatures, without distinction of caste, rank or wealth, to change, disappointment, pain and death, and has equally admitted all to the partakers of the bountiful mercies which he has lavished over nature, and is also so well fitted to regulate the conduct of the human race in the discharge of their various duties to themselves, and to society, that I cannot but hope the best effects from its promulgation in the present form.

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*The foregoing pages are introductory to the Chapter "The Precepts of Jesus".*



<sup>1</sup>And seeing the multitudes, he went up into a mountain and when he was set, his disciples came unto him; and he opened his mouth, and taught them, saying, Blessed *are* the poor in spirit: for theirs is the kingdom of heaven. Blessed *are* they that mourn: for they shall be comforted. Blessed *are* the meek: for they shall inherit the earth. Blessed *are* they which do hunger and thirst after righteousness: for they shall be filled. Blessed *are* the merciful: for they shall obtain mercy. Blessed *are* the pure in heart: for they shall see God. Blessed *are* the peacemakers: for they shall be called the children of God. Blessed *are* they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven. Blessed *are* ye, when *men* shall revile you, and persecute *you*, and shall say all manner of evil against you falsely, for my sake. Rejoice, and be exceedingly glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.

Ye are the salt of the earth: but if the salt have lost his savour, wherewith shall it be salted? It is thenceforth good for nothing but to be cast out, and to be trodden under foot of men. Ye are the light of the world. A city that is set on a hill cannot be hid. Neither do men light a candle, and put it under a bushel, but on a candlestick; and it gives light unto all that are in the house. Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven.

Think not that I am come to destroy the Law or the Prophets: I am not come to destroy, but to fulfil. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled. Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shall do and teach *them*, the same shall be called great in the kingdom of heaven. For I say unto you, That except your righteousness shall exceed *the righteousness* of the Scribes and Pharisees, ye shall in no case enter into the kingdom of heaven.

Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill be in danger of the judgment: but I say unto you, That whosoever is angry with his brother without a cause, shall be in danger of the judgment: and whosoever shall say to his brother, Raca, shall be in danger of the council: but whosoever shall say, Thou fool shall be in danger of hell-fire. Therefore, if thou bring thy gift to the altar,

<sup>1</sup> *Matthew*, Chapter v.

and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar, go thy way: first be reconciled to thy brother, and then come and offer thy gift. Agree with thine adversary quickly whilst thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, thou shalt by no means come out thence, till thou hast paid the uttermost farthing.

Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart. And if thy right eye offend thee, pluck it out, and cast *it* from thee: for it is profitable for thee that one of thy members should perish, and not *that* thy whole body should be cast into hell. And if thy right hand offend thee, cut it off, and cast *it* from thee: for it's profitable for thee that one of thy members should perish, and not *that* thy whole body should be cast into hell. It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement: But I say unto you That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced, committeth adultery.

You have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy: But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you; that ye may be the children of your father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust. For if ye love them which love you, what reward have ye? do not even the publicans the same? And if ye salute your brethren only, what do ye more *than others*? do not even the publicans so? Be ye therefore perfect, even as your Father which is in heaven is perfect.

<sup>1</sup>Take heed that ye do not your alms before men, to be seen of them: otherwise ye have no reward of your Father, which is in heaven. Therefore, when thou doest *thine* alms, do not sound a trumpet before thee, as the hypocrites do in the synagogues and in the streets, that they may have glory of men. Verily I say unto you, They have their reward. But when thou doest alms, let not thy left hand know what thy right hand doeth: that thine alms may be in secret: and thy Father,

<sup>1</sup> *Matthew, Chapter vi.*

which seeth in secret, himself shall reward thee openly.

And when thou prayest, thou shalt not be as the hypocrites *are*: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward. But thou, when thou prayest, enter into thy closet, and, when thou hast shut thy door, pray to thy Father which is in 'secret; and thy Father, which seeth in secret, shall reward thee openly. But when ye pray, use not vain repetitions, as the heathen *do*: for they think, that they shall be heard for their much speaking. Be not ye therefore like unto them; for your Father knoweth what things ye have need of, before ye ask him. After this manner therefore pray ye: Our Father, which art in heaven, hallowed be thy name: Thy kingdom come: Thy will be done in earth, as *it is* in heaven: give us this day our daily bread: and forgive us our debts, as we forgive our debtors: and lead us not into temptation, but deliver us from evil: for thine is the kingdom, and the power, and the glory, for ever. Amen. For if ye forgive men their trespasses, your heavenly Father will also forgive you: but if ye forgive not men their trespasses, neither will your Father forgive your trespasses.

Moreover, when ye fast, be not, as the hypocrites, of a sad countenance: for they disfigure their faces, that they may appear unto men to fast. Verily I say unto you, They have their reward. But thou, when thou fastest, anoint thine head, and wash thy face; that thou appear not unto men to fast, but unto thy Father who is in secret; and thy Father, who seeth in secret, shall reward thee openly.

Lay not up for yourselves treasures upon earth where moth and rust doth corrupt, and where thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal: for where your treasure is, there will your heart be also. The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light. But if thine eye be evil, thy whole body shall be full of darkness. If therefore the light that is in thee be darkness, how great is that darkness!

No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and Mammon. Therefore I say unto you, Take no thought for your life, what ye shall eat, or what ye shall drink; nor yet for your body, what ye shall put on. Is not the life more than meat, and the body

than raiment? Behold the fowls of the air: for they sow not, neither do they reap, nor gather into barns; yet your heavenly Father feedeth them. Are ye not much better than they? Which of you by taking thought can add one cubit unto his stature? And why take ye thought for raiment? Consider the lilies of the field, how they grow; they toil not, neither do they spin: and yet I say unto you, That even Solomon in all his glory was not arrayed like one of these. Wherefore, if God so clothe the grass of the field, which to-day is and to-morrow is cast into the oven, *shall he* not much more *clothe* you, O ye of little faith? Therefore take no thought, saying What shall we eat? Or, What shall we drink? or, Where withal shall we be clothed? (For after all these things do the Gentiles seek:) for your heavenly Father knoweth that ye have need of all these things. But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you. Take therefore no thought for the morrow: for the morrow shall take thought for the things of itself. Sufficient unto the day *is* the evil thereof.

<sup>1</sup>Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again. And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye? Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam *is* in thine own eye? Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye. Give not that which is holy unto the dogs, neither cast ye your pearls before swine, lest they trample them under their feet and turn again and rend you. Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you: for every one that asketh receiveth; and he that seeketh findeth; and to him that knocketh it shall be opened. Or what man is there of you, whom if his son ask bread, will he give him a stone? Or if he ask a fish, will he give him a serpent? If ye then, being evil, know how to give good gifts unto your children, how much more shall your Father which is in heaven give good things to them that ask him? Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.

Enter ye in at the strait gate: for wide *is* the gate and broad *is* the way, that leadeth to destruction, and many there be which go in thereat: because strait is the gate, and

<sup>1</sup> *Matthew*, Chapter vii.

narrow is the way, which leadeth unto life, and few there be that find it. Beware of false prophets, which come to you in sheep's clothing, but inwardly they are ravening wolves. Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit, neither *can* a corrupt tree bring forth good fruit. Every tree that bringeth not forth good fruit is hewn down, and cast into the fire. Wherefore by their fruits ye shall know them. Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven. Many will say to me in that day, Lord, Lord, have we not prophesied in thy name? and in thy name have cast out devils? and in thy name done many wonderful works? And then will I profess unto them, I never knew you: depart from me ye that work iniquity.

Therefore whosoever heareth these sayings of mine, and doeth them, I will liken him unto a wise man, which built his house upon a rock: and the rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell not: for it was founded upon a rock. And every one that heareth these sayings of mine, and doeth them not, shall be likened unto a foolish man, which built his house upon the sand: and the rain descended and the floods came, and the winds blew, and beat upon that house; and it fell: and great was the fall of it. And it came to pass, when Jesus had ended these sayings, the people were astonished at his doctrine: for he taught them as *one* having authority, and not as the scribes.

<sup>1</sup>And it came to pass, as Jesus sat at meat in the house, behold, many publicans and sinners came and sat down with him and his disciples. And when the Pharisees saw *it*, they said unto his disciples, Why eateth your Master with publicans and sinners? But when Jesus heard *that*, he said unto them, They that be whole need not a physician, but they that are sick. But go ye and learn what *that* meaneth, I will have mercy, and not sacrifice: for I am not come to call the righteous, but sinners to repentance. Then came to him the disciples of John, saying, Why do we and the Pharisees fast oft, but thy disciples fast not? And Jesus said unto them, Can the children of the bride-chamber mourn, as long as the bridegroom is with them? But the days will come, when the bridegroom shall be taken from them, and then shall they fast. No man putteth a piece of new cloth unto an old garment, for that which is put in to fill it up taketh

<sup>1</sup> *Matthew*, Chapter ix, 10.

from the garment, and the rent is made worse. Neither do men put new wine into old bottles: else the bottles break, and the wine runneth out, and the bottles perish: but they put new wine into new bottles, and both are preserved.

<sup>1</sup>Behold, I send you forth as sheep in the midst of wolves: be ye therefore wise as serpents, and harmless as doves. But beware of men: for they will deliver you up to the councils, and they will scourge you in their synagogues; and ye shall be brought before governors and kings for my sake, for a testimony against them and the Gentiles. But when they deliver you up, take no thought how or what ye shall speak: for it shall be given you in that same hour what ye shall speak. For it is not ye that speak, but the Spirit of your Father which speaketh in you. And the brother shall deliver up the brother to death, and the father the child: and the children shall rise up against *their* parents, and cause them to be put to death. And ye shall be hated of all *men* for my name's sake: but he that endureth to the end shall be saved. But when they persecute you in this city, flee ye into another: for verily I say unto you, Ye shall not have gone over the cities of Israel, till the Son of man be come. The disciple is not above his master, nor the servant above his lord. It is enough for the disciple that he be as his master, and the servant as his lord. If they have called the master of the house Beelzebub, how much more *shall they call* them of his household? Fear them not therefore: for there is nothing covered, that shall not be revealed; and hid, that shall not be known. What I tell you in darkness, *that* speak ye in light: and what ye hear in the ear, *that* preach ye upon the house-tops. And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell. Are not two sparrows sold for a farthing? and one of them shall not fall on the ground without your Father. But the very hairs of your head are all numbered. Fear ye not therefore, ye are of more value than many sparrows. Whosoever, therefore, shall confess me before men, him will I confess also before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven. Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law. And a man's foes *shall* be they of his own household. He that loveth father or mother more than me is not worthy of me: and he that

<sup>1</sup> *Matthew*, Chapter x, 16.

loveth son or daughter more than me is not worthy of me. And he that taketh not his cross, and followeth after me, is not worthy of me. He that findeth his life shall lose it: and he that loseth his life for my sake shall find it. He that receiveth you receiveth me, and he that receiveth me, receiveth him that sent me. He that receiveth a prophet in the name of a prophet shall receive a prophet's reward; and he that receiveth a righteous man in the name of a righteous man, shall receive a righteous man's reward. And whosoever shall give to drink unto one of these little ones a cup of cold *water* only in the name of a disciple, verily I say unto you, he shall in no wise lose his reward.

<sup>1</sup>At that time Jesus answered and said, I thank thee, O Father, Lord of heaven and earth, because thou hast hid these things from the wise and prudent, and hast revealed them unto babes. Even, so Father: for so it seemed good in thy sight. All things are delivered unto me of my Father, and no man knoweth the Son, but the Father, neither knoweth any man the Father, save the Son, and *he* to whomsoever the Son will reveal *him*. Come unto me, all *ye* that labour and are heavy laden, and I will give you rest. Take my yoke upon you, and learn of me: for I am meek and lowly in heart: and ye shall find rest unto your souls. For my yoke *is* easy, and my burden is light.

<sup>2</sup>At that time Jesus went on the sabbath day through the corn: and his disciples were an hungered, and began to pluck the ears of corn, and to eat. But when the Pharisees saw *it*, they said unto him, Behold, thy disciples do that which is not lawful to do upon the sabbath day. But he said unto them, Have ye not read what David did, when he was an hungered, and they that were with him; how he entered into the house of God, and did eat the shew-bread, which was not lawful for him to eat, neither for them which were with him, but only for the priests? Or have ye not read in the law, how that on the sabbath days, the priests in the temple profane the sabbath, and are blameless? But I say unto you, That in this place is *one* greater than the temple. But if ye had known what *this* meaneth, I will have mercy, and not sacrifice, ye would not have condemned the guiltless. For the Son of man is Lord even of the sabbath day.

And when he was departed thence, he went into their synagogue: and, Behold, there was a man which had *his* hand withered. And they asked him, saying, Is it lawful to heal on the sabbath days? that they might accuse him. And he said unto them, What man shall there be among you, that shall have

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<sup>1</sup> *Matthew*, Chapter xi, 25.

<sup>2</sup> *Matthew*, Chapter xii.

one sheep, and if it fall into pit on the sabbath day, will he not lay hold on it, and lift *it* out? How much then is a man better than a sheep? Wherefore it is lawful to do well on the sabbath day. Then saith he to the man, stretch forth thine hand. And he stretched *it* forth; and it was restored whole, like as the other.

<sup>1</sup>He that is not with me is against me; and he that gathereth not with me scattereth abroad. Wherefore I say unto you, All manner of sin and blasphemy *against* the *Holy* Ghost shall not be forgiven unto men. And whosoever speaketh a word against the Son of man, it shall be forgiven him: but whosoever speaketh against the *Holy* Ghost, it shall not be forgiven him, neither in this world, neither in the *world* to come. Either make the tree good, and his fruit good; or else make the tree corrupt, and his fruit corrupt; for the tree is known by *his* fruit. O generation of vipers, how can ye, being evil, speak good things? for out of the abundance of the heart the mouth speaketh. A good man, out of good the treasure of the heart, bringeth forth good things; and an evil man out of the evil treasure bringeth forth evil things: But I say unto you, That every idle word that men shall speak, they shall give account thereof in the day of judgment. For by thy words thou shalt be justified, and by thy words thou shalt be condemned.

While he yet talked to the people, behold *his* mother and his brethren stood without, desiring to speak with him. Then one said unto him, Behold, thy mother and brethren stand without, desiring to speak with thee. But he answered and said unto him that told him, Who is my mother? And who are my brethren? And he stretched forth his hand toward his disciples, and said, Behold my mother and my brethren! For whosoever shall do the will of my Father which is in heaven, the same is my brother, and sister, and mother.

<sup>2</sup>The same day went Jesus out of the house, and sat by the seaside. And great multitudes were gathered together unto him, so that he went into a ship, and sat; and the whole multitude stood on the shore. And he spake many things unto them in parables, saying, Behold, a sower went forth to sow; and when he sowed, some *seeds* fell by the wayside, and the fowls came and devoured them up: some fell upon stony places, where they had not much earth: and forthwith they sprung up, because they had no deepness of earth; and when the sun was up, they were scorched; and because they had no root, they withered away;

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<sup>1</sup> *Matthew*, Chapter xii, 30.

<sup>2</sup> *Matthew*, Chapter xiii.



and some fell among thorns; and the thorns sprung up, and choked them: but other fell into good ground, and brought forth fruit, some an hundredfold, some sixtyfold, some thirtyfold. Who hath ears to hear, let him hear. And the disciples came, and said unto him, Why speakest thou unto them in parables; He answered and said unto them, Because it is given unto you to know the mysteries of the kingdom of heaven, but to them it is not given. For whosoever hath, to him shall be given, and he shall have more abundance: but whosoever hath not, from him shall be taken away even that he hath. Therefore speak I to them in parables: because they seeing, see not; and hearing they hear not, neither do they understand. And in them is fulfilled the prophecy of Esaias, which saith, By hearing ye shall hear, and shall not understand; and seeing ye shall see, and shall not perceive: for this people's heart is waxed gross, and *their* ears are dull of hearing, and their eyes they have closed; lest at any time they should see with *their* eyes, and hear with *their* ears, and should understand with *their* heart, and should be converted, and I should heal them. But blessed *are* your eyes for they see: and your ears, for they hear. For verily I say unto you, That many prophets and righteous men have desired to see *those things* which ye see, and have not seen *them*; and to hear *those things* which ye hear, and have not heard *them*. Hear ye therefore the parable of the sower. When any one heareth the word of the kingdom, and understandeth *it* not, then cometh the wicked *one*, and catcheth away that which was sown in his heart. This is he which received seed by the wayside. But he that received the seed into stony places, the same is he that heareth the word, and anon with joy receiveth it; yet hath he not root in himself, but dureth for a while; for when tribulation or persecution ariseth because of the word, by and by he is offended. He also that received seed among the thorns is he that heareth the word; and the care of this world, and the deceitfulness of riches, choke the word, and he becometh unfruitful. But he that received seed into the ground is he that heareth the word, and understandeth *it*; which also beareth fruit, and bringeth forth, some an hundredfold, some sixty, some thirty. Another parable put he forth unto them, saying, The kingdom of heaven is likened unto a man which sowed good seed in his field; but while men slept, his enemy came and sowed tares among the wheat, and went his way. But when the blade was sprung up, and brought forth fruit, then appeared the tares also. So the servants of the householder came and said unto him, Sir, didst not thou sow good seed in thy field? from whence then hath it tares? He said unto them, An enemy hath done this. The servants said unto him, Wilt thou then that we go and

gather them up? But he said, Nay; lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest: and in the time of harvest I will say to the reapers, Gather ye together first the tares, and bind them in bundles to burn them: but gather the wheat into my barn. Another parable put he forth unto them, saying, The kingdom of heaven is like to a grain of mustard-seed, which a man took, and sowed in his field: which indeed is the least of all seeds; but when it is grown, it is the greatest among herbs, and becometh a tree, so that the birds of the air come and lodge in the branches thereof. Another parable spake he unto them: The kingdom of heaven is like unto leaven, which a woman took, and hid in three measures of meal, till the whole was leavened. All these things spake Jesus unto the multitude in parables; and without a parable spake he not unto them: that it might be fulfilled which was spoken by the prophet, saying, I will open my mouth in parables; I will utter things which have been kept secret from the foundation of the world. Then Jesus sent the multitude away, and went into the house: and his disciples came unto him, saying, Declare unto us the parable of the tares of the field. He answered and said unto them, He that soweth the good seed is the Son of man; the field is the world; the good seed are the children of the kingdom; but the tares are the children of the wicked *one*: the enemy that sowed them is the devil; the harvest is the end of the world; and the reapers are the angels. As therefore the tares are gathered and burned in the fire; so shall it be in the end of this world. The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; and shall cast them unto a furnace of fire: there shall be wailing and gnashing of teeth. Then shall the righteous shine forth as the sun in the kingdom of their Father. Who hath ears to hear, let him hear.

<sup>1</sup>Then came to Jesus scribes and Pharisees, which were of Jerusalem, saying, Why do thy disciples transgress the tradition of the elders? for they wash not their hands when they eat bread. But he answered and said unto them, Why do ye also transgress the commandment of God by your tradition? For God commanded, saying, Honour thy father and mother: and, He that curseth father or mother let him die the death. But ye say, Whosoever shall say to *his* father or *his* mother, *It is a gift*, by whatsoever thou mightest be profited by me; and honour not his father or his mother, *he shall be free*. Thus ye have made the commandment of God of none effect by your tradition. *Ye hypocrites!* Well did Esaias prophesy of you, saying,

<sup>1</sup> *Matthew*, Chapter xv.

This people draweth nigh unto me with their mouth, and honoureth me with *their* lips; but their heart is far from me. But in vain do they worship me, teaching *for* doctrines the commandments of men. And he called the multitude, and said unto them, Hear, and understand: not that which goeth into the mouth defileth a man; but that which cometh out of the mouth, this defileth a man. Then came his disciples, and said unto him, Knowest thou that the Pharisees were offended after they heard this saying? But he answered and said, Every plant which my heavenly Father hath not planted, shall be rooted up. Let them alone: they be blind leaders of the blind: and if the blind lead the blind, both shall fall into the ditch. Then answered Peter and said unto him, Declare unto us this parable. And Jesus said, Are ye also yet without understanding? Do not ye yet understand, that whatsoever entereth in at the mouth, goeth into the belly, and is cast out into the draught? But those things which proceed out of the mouth come forth from the heart; and they defile the man. For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies: these are *the things* which defile a man; but to eat with unwashen hands defileth not a man.

<sup>1</sup>And when his disciples were come to the other side, they had forgotten to take bread. Then Jesus said unto them, Take heed and beware of the leaven of the Pharisees and the Sadducees. And they reasoned among themselves, saying, *It is* because we have taken no bread. Which when Jesus perceived, he said unto them, O ye of little faith, why reason ye among yourselves, because ye have brought no bread? How is it that ye do not understand that I spake *it* not to you concerning bread, that ye should beware of the leaven of the Pharisees and of the Sadducees? Then understood they how that he bade *them* not beware of the leaven of bread, but of the doctrine of the Pharisees, and of the Sadducees.

When Jesus came into the coasts of Caesarea Philippi, he asked his disciples, saying, Whom do men say that I, the son of man, am? And they said, Some *say that thou art* John the Baptist; some, Elias; and others, Jeremias, or one of the prophets. He saith unto them, But whom say ye that I am? And Simon Peter answered and said, Thou art the Christ, the Son of the living God. And Jesus answered and said unto him, Blessed art thou, Simon Bar-jona; or flesh and blood hath not revealed *it* unto thee, but my Father which is in heaven. And I say also unto thee, That thou art Peter, and upon this rock I will build my

<sup>1</sup> *Matthew*, Chapter xvi, 5.

church; and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven. Then charged he his disciples, that they should tell no man that he was Jesus the Christ. From that time forth began Jesus to shew unto his disciples, how that he must go unto Jerusalem, and suffer many things of the elders and chief priests, and scribes, and be killed, and be raised again the third day. Then Peter took him, and began to rebuke him, saying, Be it far from thee, Lord: this shall not be unto thee. But he turned, and said unto Peter, Get thee behind me, Satan: thou art an offence unto me, for thou savourest not the things that be of God, but those that be of men. Then said Jesus unto his disciples, If any *man* will come after me, let him deny himself, and take up his cross, and follow me: for whosoever will save his life shall lose it: and whosoever will lose his life for my sake, shall find it. For what is a man profited, if he shall gain the whole world, and lose his own soul? or what shall a man give in exchange for his soul? For the Son of man shall come in the glory of his Father with his angels; and then he shall reward every man according to his works. Verily I say unto you, There be some standing here, which shall not taste of death, till they see the Son of man coming in his kingdom.

<sup>1</sup>At the same time came the disciples unto Jesus saying, Who is the greatest in the kingdom of heaven? And Jesus called a little child unto him, and set him in the midst of them, and said, Verily I say unto you, Except ye be converted, and become as little children ye shall not enter into the kingdom of heaven. Whosoever therefore shall humble himself as this little child, the same is greatest in the kingdom of heaven. And whoso shall receive one such little child in my name, receiveth me. But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and *that* he were drowned in the depth of the sea.

Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh! Wherefore, if thy hand or thy foot offend thee, cut them off, and cast *them* from thee: it is better for thee to enter into life halt or maimed, rather than having two hands or two feet to be cast into everlasting fire. And if thine eye offend thee, pluck it out, and cast *it* from thee: it is better for thee to enter into life with one eye, rather than having two eyes to be cast into hell-fire. Take heed that ye despise not one of these

<sup>1</sup> *Matthew*, Chapter xviii.

little ones; for I say unto you, That in heaven their angels do always behold the face of my Father which is in heaven. For the Son of man is come to save that which was lost. How think ye? If a man have an hundred sheep, and one of them be gone astray, doth he not leave the ninety and nine and goeth into the mountains, and seeketh that which is gone astray? And if so be that he find it, verily I say unto you, he rejoiceth more of that *sheep*, than of the ninety and nine which went not astray. Even so, it is not the will of your Father which is in heaven, that one of these little ones should perish. Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee thou hast gained thy brother. But if he will not hear *thee*, *then* take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican. Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven: and whatsoever ye shall loose on earth shall be loosed in heaven. Again I say unto you, That if two of you shall agree on earth as touching anything that they shall ask, it shall be done for them of my Father which is in heaven. For where two or three are gathered together in my name, there am I in the midst of them.

Then came Peter to him, and said, Lord, how oft shall my brother sin against me, and I forgive him? till seven times? Jesus saith unto him, I say not unto thee, Until seven times; but Until seventy times seven. Therefore is the kingdom of heaven likened unto a certain king, which would take account of his servants. And when he had begun to reckon, one was brought unto him which owed him ten thousand talents. But for as much as he had not to pay, his lord commanded him to be sold, and his wife, and children, and all that he had, and payment to be made. The servant therefore fell down, and worshipped him, saying, Lord have patience with me, and I will pay thee all. Then the lord of that servant was moved with compassion, and loosed him, and forgave him the debt. But the same servant went out, and found one of his fellow-servants which owed him an hundred pence; and he laid hands on him, and took *him* by the throat, saying, Pay me that thou owest. And his fellow-servant fell down at his feet, and besought him, saying, Have patience with me, and I will pay thee all. And he would not; but went and cast him into prison, till he should pay the debt. So when his fellow-servants saw what was done, they were very sorry, and came and told unto their lord all that was done.

Then his lord, after that he had called him, said unto him, O thou wicked servant, I forgave thee all that debt, because thou desiredst me: shouldst not thou also have had compassion on thy fellow-servant, even as I had pity on thee? And his lord was wroth, and delivered him to the tormentors, till he should pay all that was due unto him. So likewise shall my heavenly Father do also unto you, if ye from your hearts forgive not every one his brother their trespasses.

<sup>1</sup>The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? And he answered and said unto them, Have ye not read, that He which made *them* at the beginning, made them male and female; and said, For this cause shall a man leave father and mother, and shall cleave to his wife; and they twain, shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts, suffered you to put away your wives: but from the beginning it was not so. And I say unto you, Whosoever shall put away his wife, except *it be* for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery. His disciples say unto him, If the case of the man be so with *his* wife, it is not good to marry. But he said unto them, All *men* cannot receive this saying, save *they* to whom it is given. For there are some eunuchs which were so born from *their* mother's womb; and there are some eunuchs which were made eunuchs of men; and there be eunuchs which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive *it*, let him receive *it*.

Then were there brought unto him little children, that he should put *his* hands on them, and pray: and the disciples rebuked them. But Jesus said, Suffer little children and forbid them not, to come unto me: for of such is the kingdom of heaven. And he laid *his* hands on them and departed thence. And, behold, one came and said unto him, Good Master, what good thing shall I do, that I may have eternal life? And he said unto him, Why callest thou me good? *there* is none good but one, *that is*, God: but if thou wilt enter into life, keep the commandments. He saith unto him, Which? Jesus said, Thou shalt do no murder, Thou shalt not commit adultery, Thou shalt not steel, Thou shalt not bear false witness, Honour *thy* father and *thy* mother: and, Thou shalt love thy neighbour

<sup>1</sup> *Matthew*, Chapter xix, 3.

as thyself. The young man saith unto him, All these things have I kept from my youth up; what lack I yet? Jesus said unto him, If thou wilt be perfect, go *and* sell that thou hast, and give to the poor, and thou shalt have treasure in heaven; and come *and* follow me. But when the young man heard that saying, he went away sorrowful: for he had great possessions. Then said Jesus unto his disciples, Verily I say unto you, That a rich man shall hardly enter into the kingdom of heaven. And again I say unto you, It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God. When his disciples heard it, they were exceedingly amazed, saying, Who then can be saved? But Jesus beheld *them*, and said unto them, With men this is impossible; but with God all things are possible. Then answered Peter and said unto him, Behold, we have forsaken all, and followed thee; what shall we have therefore? And Jesus said unto them, Verily I say unto you, That ye which have followed me, in the regeneration when the Son of man shall sit on the throne of his glory, ye also shall sit upon twelve thrones, judging the twelve tribes of Israel. And every one that hath forsaken houses, or brethren, or sisters, or father, or mother, or wife or children, or lands for my name's sake, shall receive an hundredfold, and shall inherit everlasting life. But many *that are* first shall be last; and the last *shall be* first.

<sup>1</sup>For the kingdom of heaven is like unto a man *that is* an householder, which went out early in the morning to hire labourers into his vineyard. And when he had agreed with the labourers for a penny a day, he sent them into his vineyard. And he went out about the third hour, and saw others standing idle in the market place, and said unto them, Go ye also into the vineyard, and whatsoever is right, I will give you. And they went their way. Again he went out about the sixth and ninth hour, and did likewise. And about the eleventh hour he went out, and found others standing idle, and saith unto them, Why stand ye here all the day idle? They say unto him, Because no man hath hired us. He said unto them Go ye also into the vineyard; and whatsoever is right *that* shall ye receive. So when even was come, the lord of the vineyard saith unto his steward, Call the labourers, and give them their hire, beginning from the last unto the first. And when they came that *were hired* about the eleventh hour, they received every man a penny. But when the first came, they supposed that they should have received more; and they likewise received every man a penny. And when they had received *it*, they murmured against the goodman of the house,

<sup>1</sup> *Matthew*, Chapter xx.

saying, These last have wrought *but* one hour, and thou hast made them equal unto us, which have borne the burden and heat of the day. But he answered one of them, and said, Friend, I do thee no wrong : didst not thou agree with me for a penny? Take *that* thine *is*, and go thy way: I will give unto this last, even as unto thee. Is it not lawful for me to do what I will with mine own? Is thine eye evil, because I am good? So the last shall be first, and the first last: for many be called, but few chosen.

Then came to him the mother of Zebedee's children with her sons, worshipping *him*, and desiring a certain thing of him. And he said unto her, What wilt thou? She saith unto him, Grant that these my two sons may sit, the one on thy right hand, and the other on the left, in thy kingdom. But Jesus answered and said, Ye know not what ye ask. Are ye able to drink of the cup that I shall drink of, and to be baptized with the baptism that I am baptized with? They say unto him, We are able. And he saith unto them, Ye shall drink indeed of my cup, and be baptized with the baptism that I am baptized with: but to sit on my right hand, and on my left, is not mine to give, but *it shall be given to them* for whom it is prepared of my Father. And when the ten heard *it*, they were moved with indignation against the brethren. But Jesus called them *unto him*, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant: even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many.

<sup>1</sup>And when he was come into the temple, the chief priests and the elders of the people came unto him as he was teaching, and said, By what authority doest thou these things? and who gave thee this authority! And Jesus answered and said unto them, I also will ask you one thing which if ye tell me, I in likewise will tell you by what authority I do these things. The baptism of John, whence was it? from heaven, or of men? And they reasoned with themselves, saying, If we shall say from heaven; he will say unto us, why did ye not then believe him? But if we shall say, of men; we fear the people; for all hold John as a prophet. And they answered Jesus, and said, We cannot tell. And he said unto them, Neither tell I you by what authority I do these things. But what think ye? A *certain* man had two sons; and he came to the first, and said, son, go, work to-day in my vineyard. He answered and said, I will not: but

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<sup>1</sup> *Matthew*, Chapter xxi, 23.



afterward, he repented, and went. And he came to the second, and said likewise. And he answered and said, I *go* sir: and went not. Whether of the twain did the will of *his* father? They say unto him, The first, Jesus saith unto them, Verily I say unto you, That the publicans and the harlots go into the kingdom of God before you. For John came unto you in the way of righteousness, and ye believed him not: but the publicans and the harlots believed him: and ye, when ye had seen *it*, repented not afterward, that ye might believe him. Hear another parable: there was a certain householder, which planted a vineyard, and hedged it round about, and digged a winepress in it, and built a tower, and let it out to husbandmen, and went into a far country: and when the time of the fruit drew near, he sent his servants to the husbandmen, that they might receive the fruits of it. And the husbandmen took his servants, and beat one, and killed another, and stoned another. Again he sent other servants more than the first: and they did unto them likewise. But last of all he sent unto them his son, saying, They will reverence my son. But when the husbandmen saw the son, they said among themselves, This is the heir; come, let us kill him, and let us seize on his inheritance. And they caught him, and cast *him* out of the vineyard, and slew *him*. When therefore the lord of the vineyard cometh, what will he do unto those husbandmen? They say unto him, He will miserably destroy those wicked men, and will let out *his* vineyard unto other husbandmen, which shall render him the fruits in their seasons. Jesus saith unto them, Did ye never read in the scriptures, The stone which the builders rejected, the same is become the head of the corner: this is the Lord's doing, and it is marvellous in our eyes? Therefore say I unto you, the kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof. And whosoever shall fall on this stone shall be broken: but on whomsoever it shall fall, it will grind him to powder.

<sup>1</sup>The kingdom of heaven is like unto a certain king which made a marriage for his son, and sent forth his servants to call them that were bidden to the wedding : and they would not come. Again, he sent forth other servants saying, Tell them which are bidden, Behold, I have prepared my dinner: my oxen and *my* fatlings *are* killed, and all things *are* ready: come unto the marriage. But they made light of *it*, and went their ways, one to his farm, another to his merchandise: And the remnant took his servants, and entreated *them* spitefully, and slew *them*. But when the king heard *thereof*, he was wroth: and he sent forth his armies, and destroyed those murderers, and burned up their city.

<sup>1</sup> *Matthew*, Chapter *xxii*, 2.

Then saith he to his servants, The wedding is ready, but they which were bidden were not worthy. Go ye therefore into the highways, and as many as ye shall find, bid to the marriage. So those servants went out into the highways, and gathered together all as many as they found, both bad and good: and the wedding was furnished with guests. And when the king came in to see the guests, he saw there a man which had not on a wedding garment: and he saith unto him, Friend, how camest thou in hither not having a wedding garment? And he was speechless. Then said the king to the servants, Bind him hand and foot, and take him away, and cast him into outer darkness; there shall be weeping and gnashing of teeth. For many are called, but few *are* chosen.

Then went the Pharisees, and took counsel how they might entangle him in *his* talk. And they sent out unto him their disciples with the Herodians, saying, Master we know, that thou art true, and teachest the way of God in truth, neither carest thou for any *man*; for thou regardest not the person of men. Tell us therefore what thinkest thou; Is it lawful to give tribute unto Caesar, or not? But Jesus perceived their wickedness and said, Why tempt ye me, *ye* hypocrites? Shew me the tribute money. And they brought unto him a penny, And he saith unto them, Whose *is* this image and superscription? They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's. When they had heard *these words*, they marvelled and left him, and went their way.

The same day came to him the Sadducees, which say that there is no resurrection, and asked him, saying, Master, Moses said, If a man die, having no children, his brother shall marry his wife, and raise up seed unto his brother. Now there were with us seven brethren: and the first, when he had married a wife, deceased, and, having no issue, left his wife unto his brother: likewise the second also, and the third, unto the seventh. And last of all, the woman died also. Therefore in the resurrection whose wife shall she be of seven? for they all had her. Jesus answered and said unto them, Ye do err, not knowing the scriptures, nor the power of God. For in the resurrection they neither marry, nor are given in marriage, but are as the angels of God in heaven. But as touching the resurrection of the dead, have ye not read that which was spoken unto you by God, saying I am the God of Abraham, and the God of Issac, and the God of Jacob? God is not the God of the dead, but of the living. And when the multitude heard *this*, they were astonished at his doctrine.

But when the Pharisees had heard that he had put the Sadducees to silence, they were gathered together. Then one of them, *which was a lawyer*, asked *him a question*, tempting him, and saying, Master, which is the great commandment in the law? Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.

While the Pharisees were gathered together, Jesus asked them, saying, What think ye of Christ? Whose son is he? They say unto him, *The son of David*. He saith unto them, How then, doth David in spirit call him Lord? saying, the Lord said unto my Lord, Sit thou on my right hand, till I make thine enemies thy footstool? If David then call him Lord, how is he his son? And no man was able to answer him a word; neither durst any *man*, from that day forth, ask him any more *questions*.

<sup>1</sup>Then spake Jesus to the multitude, and to his disciples saying, The Scribes and the Pharisees sit in Moses' seat: all therefore whatsoever they bid you observe, *that* observe and do; but do not ye after their works: for they say, and do not. For they bind heavy burdens and grievous to be borne, and lay *them* on men's shoulders; but they *themselves* will not move them with one of their fingers. But all their works they do for to be seen of men: they make broad their phylacteries, and enlarge the borders of their garments, and love the uppermost rooms at feasts, and the chief seats in the synagogues, and greetings in the markets, and to be called of men, Rabbi, Rabbi. But be not ye called Rabbi: for one is your Master, *even* Christ; and all ye are brethren. And call no *man* your father upon the earth: for one is your Father, which is in Heaven. Neither be ye called masters: for one is your Master, *even* Christ. But he that is greatest among you shall be your servant. And whosoever shall exalt himself shall be abased; and he that shall humble himself shall be exalted. But woe unto you, scribes and Pharisees, hypocrites! for ye shut up the kingdom of heaven against men: for ye neither go in *yourselves*, neither suffer ye them that are entering to go in. Woe unto you, scribes and Pharisees, hypocrites! for ye devour widows' houses, and for a pretence make long prayer: therefore ye shall receive the greater damnation. Woe unto you, scribes and Pharisees, hypocrites! for ye compass sea and land to make one proselyte; and when he is made, ye make him two-fold more the child of hell than yourselves. Woe unto you, *ye* blind guides! which say, Who-

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<sup>1</sup> *Mathew*, Chapter xxiii.

soever shall swear by the temple, it is nothing; but whosoever shall swear by the gold of the temple, he is a debtor. *Ye* fools and blind: for whether is greater, the gold, or the temple that sanctifieth the gold? And, Whosoever shall swear by the altar, it is nothing; but whosoever sweareth by the gift that is upon it, he is guilty. *Ye* fools and blind: for whether is greater, the gift, or the altar that sanctifieth the gift? Whoso therefore shall swear by the altar, sweareth by it, and by all things thereon. And whoso shall swear by the temple, sweareth by it, and by him that dwelleth therein. And he that shall swear by heaven, sweareth by the throne of God, and by him that sitteth thereon. Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithe of mint and anise and cummin, and have omitted the weightier *matters* of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone. *Ye* blind guides, which strain at a gnat, and swallow a camel. Woe unto you, scribes and Pharisees, hypocrites! for ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess. *Thou* blind Pharisees, cleanse first that *which* is within the cup and the platter, that the outside of them may be clean also. Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead *men's* bones, and of all uncleanness. Even so ye also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity. Woe unto you, scribes and Pharisees, hypocrites! because ye build the tombs of the prophets, and garnish the sepulchres of the righteous, and say, If we had been in the days of our fathers, we would not have been partakers with them in the blood of the prophets. Wherefore ye be witnesses unto yourselves, that ye are the children of them which killed the prophets. Fill ye up then the measure of your fathers. *Ye* serpents, *ye* generation of vipers! how can ye escape the damnation of hell? Wherefore, behold, I send unto you prophets, and wise men, and scribes: and *some* of them ye shall kill and crucify; and *some* of them shall ye scourge in your synagogues, and persecute *them* from city to city: that upon you may come all the righteous blood shed upon the earth, from the blood of righteous Abel unto the blood of Zacharia's son Barachias, whom ye slew between the temple and the altar. Verily I say unto you, All these things shall come upon this generation. O Jerusalem, Jerusalem, *thou* that killest the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen gathereth her chickens under *her* wings, and ye would not! Behold, your house is left unto you desolate. For I say unto you,

Ye shall not see me henceforth, till ye shall say, Blessed is he that cometh in the name of the Lord.

<sup>1</sup>Watch therefore; for ye know not what hour your Lord doth come. But know this, that if the good man of the house had known in what watch the thief would come, he would have watched, and would not have suffered his house to be broken up. Therefore, be ye also ready: for in such an hour as ye think not the Son of man cometh. Who then is a faithful and wise servant, whom his lord hath made ruler over his household, to give them meat in due season? Blessed is that servant, whom his lord, when he cometh, shall find so doing. Verily I say unto you, That he shall make him ruler over all his goods. But and if that evil servant shall say in his heart, My lord delayeth his coming; and shall begin to smite *his* fellow-servants and to eat and drink with the drunken; the lord of that servant shall come in a day when he looketh not for *him*, and in an hour that he is not aware of, and shall cut him asunder, and appoint *him* his portion with the hypocrites: there shall be weeping and gnashing of teeth.

<sup>2</sup>Then shall the kingdom of heaven be likened unto ten virgins, which took their lamps, and went forth to meet the bridegroom. And five of them were wise, and five *were* foolish. They that *were* foolish took their lamps, and took no oil with them; but the wise took oil in their vessels with their lamps. While the bridegroom tarried they all slumbered and slept. And at midnight there was a cry made, Behold, the bridegroom cometh; go ye out to meet him. Then all those virgins arose, and trimmed their lamps. And the foolish said unto the wise, Give us of your oil; for our lamps are gone out. But the wise answered, saying, *Not so*; lest there be not enough for us and you: but go ye rather to them that sell, and buy for yourselves. And while they went to buy, the bridegroom came; and they that were ready went in with him to the marriage: and the door was shut. Afterward came also the other virgins, saying, Lord, Lord, open to us. But he answered and said, Verily I say unto you, I know you not. Watch therefore, for ye know neither the day nor the hour wherein the Son of man cometh. For the *kingdom of heaven* is as a man travelling into a far country, *who* called his own servants, and delivered unto them his goods. And unto one he gave five talents, another two, and to another one; to every man according to his several ability; and straightway took his journey. Then he that had received the five talents went and traded with the same, and made *them*

<sup>1</sup> *Matthew*, Chapter xxiv, 42.

<sup>2</sup> *Matthew*, Chapter xxv.

other five talents. And likewise he that *had received* two, he also gained other two. But he that had received one, went and digged in the earth, and hid his lord's money. After a long time the lord of those servants cometh, and reckoneth with them. And so he that had received five talents came and brought other five talents, saying, Lord, thou deliveredst unto me five talents; Behold, I have gained beside them five talents more. His lord said unto him, Well done, *thou* good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord. He also that had received two talents came and said, Lord, thou deliveredst unto me two talents: behold, I have gained two other talents beside them. His lord said unto him, well done, good and faithful servant; thou hast been faithful over a few things. I will make thee ruler over many things: enter thou into the joy of thy lord. Then he which had received the one talent came and said, Lord, I knew thee that thou art an hard man, reaping where thou hast not sown, and gathering where thou hast not strawed: and I was afraid, and went and hid thy talent in the earth: lo *there* thou hast *that is* thine. His lord answered and said unto him, *Thou* wicked and slothful servant, thou knewest that I reap where I sowed not, and gather where I have not strawed; thou oughtest therefore to have put my money to the exchangers, and *then* at my coming I should have received mine own with usury. Take therefore the talent from him, and give *it* unto him which hath ten talents. For unto every one that hath shall be given, and he shall have abundance: but from him that hath not, shall be taken away even that which he hath. And cast ye the unprofitable servant into outer darkness: there shall be weeping and gnashing of teeth. When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory: and before him shall be gathered all nations: and he shall separate them one from another, as a shepherd divideth *his* sheep from the goats: and he shall set the sheep on his right hand, but the goats on the left. Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world: for I was an hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: naked, and ye clothed me. I was sick and ye visited me: I was in prison, and ye came unto me. Then shall the righteous answer him, saying, Lord, when saw we thee an hungered, and fed *thee*? or thirsty, and gave *thee* drink? When saw we thee a stranger and took *thee* in? Or naked, and clothed

*thee*? Or when saw we thee sick, or in prison, and came unto thee? And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done *it* unto one of the least of these my brethren, ye have done *it* unto me. Then shall he say also unto them on the left hand, Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels: for I was an hungered, and ye gave me no meat: I was thirsty, and ye gave me no drink: I was a stranger, and ye took me not in: naked, and ye clothed me not: sick, and in prison, and ye visited me not. Then shall they also answer him, saying Lord, when saw we thee an hungered, or a thirst, or a stranger, or naked, or sick, or in prison, and did not minister unto thee? Then shall he answer them, saying, Verily I say unto you, Inasmuch as ye did *it* not to one of the least of these, ye did *it* not to me. And these shall go away into everlasting punishment; but the righteous into life eternal.

<sup>1</sup>And it came to pass, that, as Jesus sat at meat in his house, many publicans and sinners sat also together with Jesus and his disciples: for there were many, and they followed him. And when the scribes and Pharisees saw him eat with publicans and sinners, they said unto his disciples, How is it that he eateth and drinketh with publicans and sinners? When Jesus heard *it*, he saith unto them, They that are whole have no need of the physician, but they that are sick: I came not to call the righteous, but sinners to repentance. And the disciples of John and of the Pharisees used to fast: and they come and say unto him, Why do the disciples of John and of the Pharisees fast, but thy disciples fast not? And Jesus said unto them, Can the children of the bride-chamber fast, while the bridegroom is with them? they cannot fast. But the days will come when the bridegroom shall be taken away from them, and then shall they fast in those days. No man also seweth a piece of new cloth on an old garment: else the new piece that filled it up taketh away from the old, and the rest is made worse. And no man putteth new wine into old bottles: else the new wine doth burst the bottles and the wine is spilled, and the bottles will be marred: but new wine must be put into new bottles.

And it came to pass, that he went through the corn fields on the sabbath day; his disciples began, as they went, to pluck the ears of corn. And the Pharisees said unto him, Behold, why do they on the sabbath day that which is not lawful? And he said unto them, Have ye never read what David did, when he had need, and was an hungered, and he and they that were with him, How he went into the house of God in the days of

<sup>1</sup> *Mark*, Chapter ii, 15.

Abiathar the high priest, and did eat the shewbread, which is not lawful to eat but for the priests, and gave also to them which were with him? And he said unto them, The sabbath was made for man and not man for the sabbath: therefore the Son of man is Lord also of the sabbath.

<sup>1</sup>There came then his brethren and his mother, and, standing without, sent unto him, calling him. And the multitude sat about him; and they said unto him, Behold, thy mother and thy brethren without seek for thee. And he answered them, saying, Who is my mother, or my brethren? And he looked round about on them which sat about him, and said, Behold my mother and my brethren! For whosoever shall do the will of God, the same is my brother, and my sister, and mother.

<sup>2</sup>And he taught them many things by parables, and said unto them in his doctrine, Hearken; Behold, there went out a sower to sow; and it came to pass, as he sowed, some fell by the wayside, and the fowls of the air came and devoured it up. And some fell on stony ground; where it had not much earth: and immediately it sprang up, because it had no depth of earth: but when the sun was up, it was scorched; and because it had no root, it withered away. And some fell among thorns and the thorns grew up, and choked it, and it yielded no fruit. And other fell on good ground, and did yield fruit that sprang up and increased; and brought forth, some thirty, and some sixty, and some an hundred. And he said unto them, He that hath ears to hear, let him hear. And when he was alone, they that were about him with the twelve, asked of him the parable. And he said unto them, Unto you it is given to know the mystery of the kingdom of God: but unto them that are without, all *these* things are done in parables: that seeing they may see, and not perceive; and hearing they may hear, and not understand; lest at any time they should be converted, and *their* sins should be forgiven them. And he said unto them, Know ye not this parable? and how then will ye know all parables? The sower soweth the word. And these are they by the wayside, where the word is sown. But when they have heard, Satan cometh immediately, and taketh away the word that was sown in their hearts. And these are they likewise which are sown on stony ground; who, when they have heard the word, immediately receive it with gladness; and have no root in themselves, and so endure but for a time: afterward, when affliction or persecution ariseth for the word's sake, immediately they are offended. And these are they which are sown among thorns; such as hear

<sup>1</sup> *Mark*, Chapter iii, 31.

<sup>2</sup> *Mark*, Chapter iv, 2.



the word, and the cares of this world, and the deceitfulness of riches, and the lust of other things entering in, choke the word, and it becometh unfruitful. And these are they which are sown on good ground; such as hear the word, and receive *it*, and bring forth fruit, some thirtyfold, some sixty, and some an hundred. And he said unto them, Is a candle brought to be put under a bushel, or under a bed? and not to be set on a candle-stick? For there is nothing hid, which shall not be manifested; neither was anything kept secret, but that it should come abroad. If any man have ears to hear, let him hear. And he said unto them, Take heed what he hear: with what measure ye mete, it shall be measured to you: and unto you that hear shall more be given. For he that hath, to him shall be given: and he that hath not, from him shall be taken even that which he hath. And he said, So is the kingdom of God, as if a man should cast seed into the ground; and should sleep, and rise night and day, and the seed should spring and grow up, he knoweth not how; for the earth bringeth forth fruit of herself; first the blade, then the ear, after that the full corn in the ear. But when the fruit is brought forth, immediately he putteth in the sickle, because the harvest is come, And he said Whereunto shall we liken the kingdom of God! or with what comparison shall we compare it! *It is like a grain of mustard seed*, which, when it is sown in the earth, is less than all the seeds that be in the earth: but when it is sown, it groweth up, and becometh greater than all herbs, and shooteth out greater branches; so that the fowls of the air may lodge under the shadow of it.

<sup>1</sup>Then the Pharisees and scribes asked him, Why walk not thy disciples according to the tradition of the elders, but eat bread with unwashen hands? He answered and said unto them, Well hath Esaias prophesied of you hypocrites, as it is written, This people honoureth me with *their* lips, but their heart is far from me. How be it, in vain do they worship me, teaching *for* doctrines the commandments of men. For laying aside the commandment of God, ye hold the tradition of men, *as* the washing of pots and cups: and many other such like things ye do. And he said unto them, Full well ye reject the commandment of God, that ye may keep your own tradition. For Moses said, Honour thy Father and thy Mother; and, Whoso curseth father or mother, let him die the death; but ye say, If a man shall say to his father or mother, *It is Corban*, that is to say, a gift, by whatsoever thou mightest be profited by me; *he shall be free*. And ye suffer him no more to do aught for his father or his mother; making the word of God of none

<sup>1</sup> *Mark*, Chapter vii, 5,

effect through your tradition, which ye have delivered: and many such like things do ye. And when he called all the people *unto him*, he said unto them, Hearken unto me every one *of you*, and understand : there is nothing from without a man, that entering into him can defile him: but the things which come out of him, these are they that defile the man. If any man have ears to hear, let him hear. And when he was entered into the house from the people, his disciples asked him concerning the parable. And he saith unto them, Are ye so without understanding also? Do ye not perceive, that whatsoever thing from without entereth into the man, it cannot defile him; because it entereth not into his heart, but into the belly, and goeth out into the draught, purging all meats? And he said, that which cometh out of the man, that defileth the man. For from within, out of the heart of men, proceed evil thoughts, adulteries, fornications, murders, thefts, covetousness, wickedness, deceit, lasciviousness, an evil eye, blasphemy, pride, foolishness: all these evil things come from within, and defile the man.

<sup>1</sup>And when he had called the people *unto him* with his disciples also, he said, unto them, Whosoever will come after me, let him deny himself, and take up his cross, and follow me. For whosoever will save his life shall lose it; but whosoever shall lose his life for my sake and the gospel's, the same shall save it. For what shall it profit a man if he shall gain the whole world and lose his own soul? Or what shall man give in exchange for his soul? Whosoever therefore shall be ashamed of me and of my words in this adulterous and sinful generation; of him also shall the Son of man be ashamed, when he cometh in the glory of his Father with the holy angels.

<sup>2</sup>And he came to Capernaum: and being in the house, he asked them, What was it that ye disputed among yourselves by the way? But they held their peace: for by the way they had disputed among themselves who *should be* the greatest. And he sat down and called the twelve, and saith unto them, If any man desire to be first, *the same* shall be last of all, and servant of all. And he took a child, and set him in the midst of them: and when he had taken him into his arms, he said unto them, Whosoever shall receive one of such children in my name, receiveth me: and whosoever shall receive me, receiveth not me, but him that sent me.

And John answered him, saying, Master we saw one casting out devils in thy name, and he followeth not us, and we forbade him, because he followeth not us. But Jesus said,

<sup>1</sup> *Mark*, Chapter viii, 34.

<sup>2</sup> *Mark*, Chapter ix, 33.

Forbid him not: for there is no man which shall do a miracle in my name, that can lightly speak evil of me. For he that is not against us is on our part. For whosoever shall give you a cup of water to drink in my name, because ye belong to Christ, Verily I say unto you, he shall not lose his reward. And whosoever shall offend one of *these* little ones, that believe in me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea. And if thy hand offend thee, cut it off: it is better for thee to enter into life maimed, than having two hands to go into hell, into the fire that never shall be quenched: where their worm dieth not, and the fire is not quenched. And if thy foot offend thee, cut it off: it is better for thee to enter half into life, than having two feet to be cast into hell, into the fire that never shall be quenched: where their worm dieth not, and the fire is not quenched. And if thine eye offend thee, pluck it out: it is better for thee to enter into the kingdom of God with one eye, than having two eyes to be cast into hell fire: where their worm dieth not, and the fire is not quenched. For every one shall be salted with fire, and every sacrifice shall be salted with salt. Salt is good; but if the salt have lost his saltness, wherewith will ye season it? Have salt in yourselves, and have peace one with another.

<sup>1</sup>And they brought young children to him, that he should touch them; and *his* disciples rebuked those that brought *them*. But when Jesus saw *it*, he was much displeased, and said unto them, Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God. Verily I say unto you. Whosoever shall not receive the kingdom of God as a little child, he shall not enter therein. And he took them up in arms, put *his* hands upon them, and blessed them.

And when he was gone forth into the way, there came one running, and kneeled to him, and asked him, Good Master, what shall I do that I may inherit eternal life? And Jesus said unto him, Why callest thou me good? *there is none good but one, that is God*. Thou knowest the commandments. Do not commit adultery, Do not kill, Do not steal, Do not bear false witness, Defraud not, Honour thy father and mother. And he answered and said unto him, Master, all these have I observed from my youth. Then Jesus beholding him, loved him and said unto him, One thing thou lackest: go thy way, sell whatsoever thou hast, and give to the poor, and thou shalt have treasures in heaven: and come, take up the cross, and follow me. And he was sad at that saying, and went away grieved: for he had great possessions. And Jesus looked round about, and

<sup>1</sup> *Mark, Chapter x, 13.*

saith unto his disciples, How hardly shall they that have riches enter into the kingdom of God? And the disciples ever astonished at his words. But, Jesus answereth again, and saith unto them, Children, how hard is it for them that trust in riches to enter into the kingdom of God! It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God. And they were astonished out of measure, saying among themselves, Who then can be saved? And Jesus looking upon them saith, With men *it is* impossible, but not with God: for with God all things are possible. Then Peter began to say unto him, Lo, we have left all, and have followed thee. And Jesus answered and said, Verily I say unto you, There is no man that hath left house, or brethren, or sisters, or father, or mother, or wife, or children, or lands, for my sake, and the gospel's, but he shall receive an hundredfold now in this time, houses, and brethren, and sisters, and mothers, children and lands, with persecutions: and in the world to come eternal life. But many *that are* first shall be last; and the last first.

<sup>1</sup>And James and John, the sons of Zebedee, come unto him, saying, Master, we would that thou shouldest do for us whatsoever we shall desire. And he said unto them, What would ye that I should do for you? They said unto him, Grant unto us that we may sit, one on thy right hand, and the other on thy left hand, in thy glory. But Jesus said unto them, Ye know not what ye ask: can ye drink of the cup that I drink of? and be baptised with the baptism that I am baptized with? And they said unto him, We can. And Jesus said unto them, Ye shall indeed drink of the cup that I drink of: and with the baptism that I am baptized withal, shall ye be baptized: but to sit on my right hand and on my left hand is not mine to give: but *it shall be given to them* for whom it is prepared. And when the ten heard *it* they began to be much displeased with James and John. But Jesus called them *to him*, and saith unto them, Ye know that they which are accounted to rule over the Gentiles exercise lordship over them; and their great ones exercise authority upon them. But so shall it not be among you: but whosoever will be great among you, shall be your minister, and whosoever of you will be the chiefest, shall be servant of all. For even the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many.

<sup>2</sup>Therefore I say unto you, What things soever ye desire, when ye pray, believe that ye receive *them*, and ye shall have

<sup>1</sup> *Mark*, Chapter x, 35.

<sup>2</sup> *Mark*, Chapter xi, 24

*them.* And when ye stand praying, forgive, if ye have aught against any: that your Father also which is in heaven may forgive you your trespasses. But if ye do not forgive neither will your Father which is in Heaven forgive your trespasses.

<sup>1</sup>And they send unto him certain of the Pharisees and of the Herodians, to catch him in *his* words. And when they were come, they say unto him, Master, we know that thou art true, and carest for no man; for thou regardest not the person of men, but teachest the way of God in truth: Is it lawful to give tribute to Caesar, or not? Shall we give, or shall we not give? But he, knowing their hypocrisy, said unto them, Why tempt ye me? bring me a penny, that may I see *it*. And they brought *it*. And he saith unto them, Whose *is* this image and superscription? And they said unto him, Caesar's. And Jesus answering said unto them, Render to Caesar the things that are Caesar's and to God the things that are God's. And they marvelled at him. Then came unto him the Sadducees, which say there is no resurrection; and they asked him, saying, Master, Moses wrote unto us, If a man's brother die, and leave *his* wife *behind him*, and leave no children, that his brother should take his wife, and raise up seed unto his brother. Now there were seven brethren: and the first took a wife, and dying left no seed. And the second took her, and died; neither left he any seed: and the third likewise. And the seven had her, and left no seed: last of all the woman died also. In the resurrection therefore, when they shall rise, whose wife shall she be of them? for the seven had her to wife. And Jesus answering said unto them, Do ye not therefore err, because ye know not the scriptures, neither the power of God? For when they shall rise from the dead, they neither marry, nor are given in marriage; but are as the angels which are in heaven. And as touching the dead, that they rise: have ye not read in the book of Moses, how in the bush God spake unto him, saying, I *am* the God of Abraham, and the God of Isaac, and the God of Jacob? He is not the God of the dead, but the God of the living: ye therefore do greatly err. And one of the scribes came, and having heard them reasoning together, and perceiving that he had answered them well, asked him, Which is the first commandment of all? And Jesus answered him, The first of all the commandments *is*, Hear, O Israel; The Lord our God is one Lord: and thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment. And the second *is* like, *namely* this, Thou shalt love thy neighbour as thyself.

<sup>1</sup> *Mark*, Chapter xii, 13.

There is none other commandment greater than these. And the scribe said unto him, Well, Master, Thou hast said the truth: for there is one God; and there is none other but he; and to love him with all the heart, and with all the understanding, and with all the soul, and with all the strength, and to love *his* neighbour as himself, is more than all whole burnt offerings and sacrifices. And when Jesus saw that he answered discreetly, he said unto him, Thou art not far from the kingdom of God. And no man after that durst ask him *any question*.

<sup>1</sup>And Jesus sat over against the treasury, and beheld how the people cast money into the treasury: and many that were rich cast in much. And there came a certain poor widow, and she threw in two mites, which make a farthing. And he called *unto him* his disciples, and saith unto them, Verily I say unto you, That this poor widow hath cast more in, than all they which have cast into the treasury; for all *they* did cast in of their abundance, but she of her want did cast in all that she had, *even* all her living.

<sup>2</sup>And he came to Nazareth, where he had been brought up: and, as his custom was, he went into the synagogue on the sabbath day, and stood up for to read. And there was delivered *unto him* the book of the prophet Esaias. And when he had opened the book, he found the place where it was written, The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken-hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord. And he closed the book, and he gave *it* again to the minister, and sat down. And the eyes of all of them that were in the synagogue were fastened on him. And he began to say unto them. This day is this scripture fulfilled in your ears. And all bare him witness, and wondered at the gracious words which proceeded out of his mouth. And they said, Is not this Joseph's son? And he said unto them, Ye will surely say unto me this proverb, Physician, heal thyself: whatsoever we have heard done in Capernaum, do also here in thy country. And he said, Verily I say unto you, No Prophet is accepted in his own country. But I tell you of a truth, many widows were in Israel in the days of Elias, when the heaven was shut up three years and six months, when great famine was throughout all the land; but unto none of them was Elias sent, save unto Sarepta, a *city*

<sup>1</sup> Mark, Chapter xii, 41.

<sup>2</sup> Luke, Chapter iv, 16.

of Sidon, unto a woman *that was* a widow. And many lepers were in Israel in the time of Eliseus the prophet, and none of them was cleansed, saving Naaman the Syrian.

<sup>1</sup>But their scribes and Pharisees murmured against his disciples, saying, Why do ye eat and drink with publicans and sinners? And Jesus answering said unto them, They that are whole need not a physician; but they that are sick. I came not to call the righteous, but sinners to repentance. And he spake also a parable unto them; No man putteth a piece of a new garment upon an old; if otherwise, then both the new maketh a rent, and the piece that was *taken* out of the new agreeth not with the old. And no man putteth new wine into old bottles; else the new wine will burst and the bottles, and be spilled, and the bottles shall perish. But new wine must be put into new bottles; and both are preserved. No man also having drunk old wine straightway desireth new: for he saith, The old is better.

<sup>2</sup>And it came to pass, on the second sabbath after the first, that he went through the corn fields; and his disciples plucked the ears of corn and did eat, rubbing *them in their* hands. And certain of the Pharisees said unto them. Why do ye that which is not lawful to do on the sabbath days? And Jesus answering them said, Have ye not read so much as this, what David did, when himself was an hungered, and they which were with him; how he went into the house of God, and did take and eat the shew-bread, and gave also to them that were with him; which it is not lawful to eat, but for the priests alone? And he said unto them, that the Son of man is Lord also of the sabbath.

And it came to pass also on another sabbath, that he entered into the synagogue and taught: and there was a man whose right hand was withered. And the scribes and Pharisees watched him, whether he would heal on the sabbath day; that they might find an accusation against him. But he knew their thoughts, and said to the men which had the withered hand, Rise up, and stand forth in the midst. And he arose and stood forth. Then said Jesus unto them, I will ask one thing; Is it lawful on the sabbath days to do good, or to do evil? to save life, or to destroy *it*?

<sup>3</sup>And he lifted up his eyes on his disciples, and said, Blessed *be ye* poor: for yours is the kingdom of God. Blessed *are ye* that hunger now: for ye shall be filled. Blessed *are ye* that weep now: for ye shall laugh. Blessed are ye, when men shall hate

<sup>1</sup> *Luke*, Chapter v, 30.

<sup>2</sup> *Luke*, Chapter vi, 1.

<sup>3</sup> *Luke*, Chapter vi, 20.

you, and when they shall separate you *from their company*, and shall reproach *you*, and cast out your name as evil, for the Son of man's sake. Rejoice ye in that day, and leap for joy: for behold your reward *is* great in heaven: for in the like manner did their fathers unto the prophets. But woe unto you that are rich! for ye have received your consolation. But woe unto you that are full! for ye shall hunger. Woe unto you that laugh now! for ye shall mourn and weep. Woe unto you when all men shall speak well of you! for so did their fathers to the false prophets. But I say unto you which hear, Love your enemies, do good to them which hate you; bless them that curse you, and pray for them which despitefully use you. And unto him that smiteth thee on the *one* cheek offer also the other; and him that taketh away thy cloke forbid not *to take thy* coat also. Give to every man that asketh of thee; and of him that taketh away thy goods ask *them* not again. And as ye would that men should do to you, do ye also to them likewise. For if ye love them which love you, what thank have ye? for sinners also love those that love them. And if ye do good to them which do good to you, what thank have ye? for sinners also do even the same. And if ye lend *to them* of whom ye hope to receive, what thank have ye? For sinners also lend to sinners, to receive as much again. But love ye your enemies, and do good, and lend, hoping for nothing again; and your reward shall be great, and ye shall be the children of the Highest: for he is kind unto the unthankful and *to* the evil. Be ye therefore merciful, as your Father also is merciful. Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven: give, and it shall be given unto you: good measure, pressed down and shaken together, and running over, shall men give into your bosom. For with the same measure that ye mete withal, it shall be measured to you again. And he spake a parable unto them, Can the blind lead the blind? Shall they not both fall into the ditch? The disciple is not above his master: but every one that is perfect shall be as his master. And why beholdest thou the mote that is in thy brother's eye, but perceivest not the beam that is in *thine own* eye? Either how canst thou say to thy brother, Brother, let me pull out the mote that is in thine eye, when thou thyself beholdest not the *beam* that is in thine own eye? Thou hypocrite! cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye. For a good tree bringeth not forth corrupt fruit; neither doth a corrupt tree bring forth good fruit. For every tree is known by *its own* fruit: for of thorns men do not gather figs,



nor of a bramble bush gather they grapes. A good man out of the good treasure of his heart bringeth forth that which is good; and an evil man of the evil treasure of his heart bringeth forth that which is evil: for of the abundance of the heart his mouth speaketh. And why call ye me, Lord, Lord, and do not the things which I say? Whosoever cometh to me, and heareth my saying, and doeth them, I will shew you to whom he is like: he is like a man which built an house, and digged deep, and laid the foundation on a rock; and when the flood arose, the stream beat vehemently upon that house, and could not shake it; for it was founded upon a rock. But he that heareth, and doeth not, is like a man that without a foundation built an house upon the earth; against which the stream did beat vehemently, and immediately it fell; and the ruin of that house was great.

<sup>1</sup>And one of the Pharisees desired him that he would eat with him. And he went into the Pharisee's house, and sat down to meat. And behold, a woman in the city, which was a sinner, when she knew that *Jesus* sat at meat in the Pharisee's house, brought an alabaster box of ointment, and stood at his feet behind *him* weeping, and began to wash his feet with tears, and did wipe *them* with the hairs of her head, and kissed his feet, and anointed *them* with the ointment. Now when the Pharisee which had bidden him saw *it*, he spake within himself, saying, This man, if he were a prophet, would have known who and what manner of woman *this is* that toucheth him; for she is a sinner. And *Jesus* answering said unto him, Simon, I have somewhat to say unto thee. And he saith, Master, say on. There was a certain creditor which had two debtors: the one owed five hundred pence, and the other fifty; and when they had nothing to pay, he frankly forgave them both. Tell me therefore, which of them will love him most? Simon answered and said, I suppose that *he*, to whom he forgave most. And he said unto him, Thou hast rightly judged. And he turned to the woman, and said unto Simon, Seest thou this woman? I entered into thine house, thou gavest me no water for my feet: but she hath washed my feet with tears, and wiped *them* with the hairs of her head. Thou gavest me no kiss: but this woman, since the time I came in, hath not ceased to kiss my feet. My head with oil thou didst not anoint: but this woman hath anointed my feet with ointment. Wherefore I say unto thee, Her sins, which are many, are forgiven; for she loved much: but to whom little is forgiven, *the same* loveth little. And he said unto her, Thy sins are forgiven. And they that sat at meat with him

<sup>1</sup> *Luke*, Chapter vii, 36.

began to say within themselves, Who is this that forgiveth sins also? And he said to the woman, Thy faith hath saved thee; go in peace.

<sup>1</sup>And when much people were gathered together, and were come to him out of every city, he spake by a parable: A sower went out to sow his seed: and as he sowed some fell by the way-side; and it was trodden down, and the fowls of the air devoured it. And some fell upon a rock; and all soon as it was sprung up, it withered away, because it lacked moisture. And some fell among thorns, and the thorns sprang up with it and choked it. And other fell on good ground, and sprang up, and bare fruit an hundredfold. And when he had said these things, he cried, he that hath ears to hear, let him hear. And his disciples asked him, saying, What might this parable be? And he said, Unto you it is given to know the mysteries of the kingdom of God: but to others in parables; that seeing they might not see, and hearing they might not understand. Now the parable is this: The seed is the word of God. Those by the way-side are they that hear; then cometh the devil and taketh away the word out of their hearts, lest they should believe and be saved. They on the rock *are they*, which when they hear, receive the word with joy; and these have no root, which for a while believe, and in time of temptation fall away. And that which fell among thorns are they, which when they have heard, go forth, and are choked with cares and riches and pleasures of *this* life, and bring no fruit to perfection. But that on the good ground are they which in an honest and good heart, having heard the word, keep *it*, and bring forth fruit, with patience. No man, when he hath lighted a candle, covereth it with a vessel, or putteth *it* under a bed; but setteth *it* on a candlestick, that they which enter it may see the light. For nothing is secret, that shall not be made manifest; neither *any thing* hid, that shall not be known and come abroad. Take heed therefore how ye hear: for whosoever hath, to him shall be given and whosoever hath not, from him shall be taken even that which he seemeth to have.

Then came to him *his* mother and his brethren, and could not come at him for the press. And it was told him *by certain*, which said, Thy mother and thy brethren stand without, desiring to see thee. And he answered and said unto them, My mother and my brethren are these which hear the word of God, and do it.

<sup>2</sup>Then there arose a reasoning among them, which of them

<sup>1</sup> *Luke*, Chapter viii, 4.

<sup>2</sup> *Luke*, Chapter ix, 46.

should be greatest. And Jesus, perceiving the thought of their heart, took a child, and set him by him, and said unto them, Whosoever shall receive this child, in my name, receiveth me: and whosoever shall receive me receiveth him that sent me: for he that is least among you all, the same shall be great, And John answered and said, Master, we saw one casting out devils in thy name; and we forbade him, because he followed not with us. And Jesus said unto him, Forbid *him* not: for he that is not against us is for us.

And it came to pass, when the time was come that he should be received up, he steadfastly set his face to go to Jerusalem, and sent messengers before his face: and they went, and entered into a village of the Samaritans, to make ready for him, and they did not receive him, because his face was as though he would go to Jerusalem, And when his disciples James and John saw *this*, they said, Lord, wilt thou that we command fire to come down from heaven, and consume them, even as Elias did? but he turned and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save *them*. And they went to another village.

And it came to pass, that, as they went in the way, a certain *man* said unto him, Lord, I will follow thee whithersoever thou goest. And Jesus said unto him, Foxes have holes, and birds of the air have nests; but the Son of man hath not where to lay *his* head. And he said unto another, Follow me. But he said, Lord, suffer me first to go and bury my father. Jesus said unto him let the dead bury their dead: but go thou and preach the kingdom of God. And another also said, Lord, I will follow thee; but let me first go bid them farewell which are at home at my house. And Jesus said unto him, No man having put his hand to the plough and looking back, is fit for the kingdom of God.

<sup>1</sup>After these things the Lord appointed other seventy also, and sent them two and two before his face into every city and place, whither he himself would come. Therefore said he unto them, The harvest truly *is* great, but the labourers *are* few: pray ye therefore the Lord of the harvest, that he would send forth labourers into his harvest. Go your ways: behold, I send you forth as lambs among wolves. Carry neither purse, nor scrip, nor shoes: And salute no man by the way. And into whatsoever house ye enter, first say, Peace be to this house. And if the son of peace be there, your peace rest upon it: if not, it shall turn to you again. And in the same house remain, eating

<sup>1</sup> *Luke*, Chapter x, 1.

and drinking such things as they give: for the labourer is worthy of his hire. Go not from house to house. And into whatsoever city ye enter, and they receive you, eat such things as are set before you: and heal the sick that are therein, and say unto them, The kingdom of God is come nigh unto you. But into whatsoever city ye enter, and they receive you not, go your ways, out into the streets of the same, and say, Even the very dust of your city which cleaveth on us, we do wipe off against you: notwithstanding, be ye sure of this, that the kingdom of God is come nigh unto you. But I say unto you, that it shall be more tolerable in that day for Sodom, than for that city. Woe unto thee, Chorazini woe unto thee! Bethsaida! for if the mighty works had been done in Tyre and Sidon, which have been done in you, they had a great while ago repented, sitting in sackcloth and ashes. But it shall be more tolerable for Tyre and Sidon at the judgment, than for you. And thou Capernaum, which art exalted to heaven, shall be thrust down to hell. He that heareth you heareth me; and he that despiseth you despiseth me; and he that despiseth me despiseth him that sent me.

<sup>1</sup>And, behold, a certain lawyer stood up, and tempted him, saying, Master, what shall I do to inherit eternal life? He said unto him, what is written in the law? how readest thou? And he answering said, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself. And he said unto him, Thou hast answered right: this do, and thou shalt live. But he, willing to justify himself, said unto Jesus, And who is my neighbour? And Jesus answering said, A certain *man* went down from Jerusalem to Jericho, and fell among thieves, which striped him of his raiment, and wounded *him*, and departed, leaving him half dead. And by chance there came down a certain priest that way: and when he saw him, he passed by on the other side. And likewise a Levite, and when he was at the place, came and looked on him, and passed by on the other side. But a certain Samaritan, as he journeyed, came where he was: and when he saw him, he had compassion on *him*, and went to him and bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him. And on the morrow when he departed, he took out two pence, and gave *them* to the host, and said unto him, Take care of him; and whatsoever thou spendest more, when I come again I will repay thee. Which now of these three thinkest thou, was

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<sup>1</sup> *Luke, Chapter x, 25.*

neighbour unto him that fell among the thieves? And he said, He that shewed mercy on him. Then said Jesus unto him, Go, and do thou likewise.

<sup>1</sup>Now it came to pass, as they went, that he entered into a certain village: and a certain woman named Martha, received him into her house. And she had a sister called Mary, which also sat at Jesus' feet, and heard his word. But Martha was cumbered about much serving, and came to him and said, Lord, dost thou not care that my sister hath left me to serve alone? bid her therefore that she help me. And Jesus answered and said unto her, Martha, Martha, thou art careful and troubled about many things: but one thing is needful: and Mary hath chosen that good part, which shall not be taken away from her.

<sup>2</sup>And it came to pass, that, as he is praying in a certain place, when he ceased, one of his disciples said unto him, Lord, teach us to pray, as John also taught his disciples. And he said unto them, when ye pray, say, Our Father which art in heaven, hallowed be thy name: Thy kingdom come: Thy will be done, as in heaven, so in earth. Give us day by day our daily bread: and forgive us our sins; for we also forgive every one that is indebted to us: and lead us not into temptation; but deliver us from evil. And he said unto them, Which of you shall have a friend, and shall go unto him at midnight, and say unto him, Friend, lend me three loaves; for a friend of mine in his journey is come to me, and I have nothing to set before him? And he from within shall answer and say, Trouble me not: the door is now shut, and my children are with me in bed; I cannot rise and give thee. I say unto you, Though he will not rise and give him because he is his friend. I say because of his importunity he will rise and give him as many as he needeth. And I say unto you, Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you. For every one that asketh receiveth; and he that seeketh findeth; and to him that knocketh it shall be opened. If a son shall ask bread of any of you that is a father, will he give him a stone? or if *he ask* a fish, will he for a fish give him a serpent? or if he shall ask an egg, will he offer him a scorpion? If ye then, being evil, know how to give good gifts unto your children, how much more shall *your* heavenly Father give the Holy Spirit to them that ask him?

<sup>3</sup>And it came to pass, as he spake these things, a certain woman of the company lifted up her voice, and said unto

<sup>1</sup> *Luke*, Chapter x, 38.

<sup>2</sup> *Luke*, Chapter xi, 1.

<sup>3</sup> *Luke*, Chapter xi, 27.

him, Blessed is the womb that bare thee, and the paps which thou hast sucked. But he said, Yea, rather blessed *are* they that hear the word of God, and keep it.

<sup>1</sup>No man, when he hath lighted a candle, putteth *it* in a secret place, neither under a bushel, but on a candlestick, that they which come in may see the light. The light of the body is the eye: therefore when thine eye is single, thy whole body also is full of light; but when *thine eye* is evil, thy body also is full of darkness. Take heed therefore that the light which is in thee be not darkness. If thy whole body therefore be full of light, having no part dark, the whole shall *be* full of light, as when the bright shining of a candle doth give thee light.

And as he spake, a certain Pharisee besought him to dine with him: and he went in, and sat down to meat. And when the Pharisee saw *it*, he marvelled that he had not first washed before dinner. And the Lord said unto him, Now do ye Pharisees make clean the outside of the cup and the platter; but your inward part is full of ravening and wickedness, *Ye* fools, did not he that made that which is without, make that which is within also? But rather give alms of such things as ye have; and, behold, all things are clean unto you. But woe unto you, Pharisees! for ye tithe mint and rue and all manner of herbs, and pass over judgment and the love of God: these ought ye to have done, and not to leave the other undone. Woe unto you, Pharisees! for ye love the uppermost seats in the synagogues, and greetings in the markets. Woe unto you, scribes and Pharisees, hypocrites! for ye are as graves which appear not, and the men that walk over *them* are not aware of *them*. Then answered one of the lawyers, and said unto him, Master thus saying, thou reproachest us also. And he said, Woe unto you also, *ye* lawyers! For ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers. Woe unto you! for ye build the sepulchres of the prophets, and your fathers killed them. Truly ye bear witness that ye allow the deeds of your fathers: for they indeed killed them, and ye build their sepulchres. Therefore also said the wisdom of God, I will send them prophets and apostles, and *some* of them they shall slay and persecute; that the blood of all the prophets, which was shed from the foundation of the world, may be required of this generation; from the blood of Abel unto the blood of Zacharias, which perished between the altar and the temple: Verily I say unto you, it shall be required of this generation. Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in, ye hindered.

<sup>1</sup> Luke, Chapter xi, 33.

<sup>1</sup>In the meantime when there were gathered together an innumerable multitude of people, insomuch that they trode one upon another, he began to say unto his disciples first of all, Beware ye of the leaven of the Pharisees which is hypocrisy. For there is nothing covered, that shall not be revealed; neither hid, that shall not be known. Therefore, whatsoever ye have spoken in darkness shall be heard in the light; and that which ye have spoken in the ear in closets, shall be proclaimed upon the house-tops. And I say unto you my friends, Be not afraid of them that kill the body and after that have no more that they can do. But I will forewarn you whom ye shall fear: fear him, which after he hath killed hath power to cast into hell; yea, I say unto you, fear him. Are not five sparrows sold for two farthings? and not one of them is forgotten before God: but even the very hairs of your head are all numbered. Fear not therefore; ye are of more value than many sparrows. Also I say unto you, Whosoever shall confess me before men, him shall the Son of man also confess before the angels of God: but he that denieth me before men shall be denied before the angels of God. And whosoever shall speak a word against the Son of man, it shall be forgiven him: but unto him that blasphemeth against the Holy Ghost it shall not be forgiven. And when they bring you unto the synagogues, *and unto* magistrates, and powers, take ye no thought how or what thing ye shall answer or what ye shall say; for the Holy Ghost shall teach you in the same hour what ye ought to say. And one of the company said unto him, Master, speak to my brother, that he divide the inheritance with me, And he said unto him, Man, who made me a judge or a divider over you? And he said unto them, Take heed, and beware of covetousness: for a man's life consisteth not in the abundance of the things which he possesseth. And he spake a parable unto them, saying, The ground of a certain rich man brought forth plentifully; and he thought within himself saying, What shall I do, because I have no room where to bestow my fruits? And he said, This will I do: I will pull down my barns, and build greater; and there will I bestow all my fruits and my goods. And I will say to my soul, Soul thou hast much goods laid up for many years; take thine ease, eat, drink *and* be merry. But God said unto him, *Thou fool!* this night thy soul shall be required of thee: then whose shall those things be, which thou hast provided? So *is* he that layeth up treasure for himself, and is not rich toward God. And he said unto his disciples, Therefore I say unto you, Take no thought for your life, what ye shall eat: neither for the body, what ye shall put on. The life is more

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<sup>1</sup> *Luke*, Chapter xii, 1.

than meat, and the body *is more* than raiment. Consider the ravens; for they neither sow nor reap; which neither have store-house nor barn; and God feedeth them. How much more are ye better than the fowls? And which of you with taking thought can add to his stature one cubit? If ye then be not able to do that thing which is least, why take ye thought for the rest? Consider the lilies, how they grow; they toil not, they spin not; and yet I say unto you, The Solomon in all his glory was not arrayed like one of these. If then God so clothe the grass, which is to-day in the field, and to-morrow is cast into the oven, how much more *will he clothe you*, O ye of little faith? And seek not ye what ye shall eat, or what ye shall drink, neither be ye of doubtful mind. For all these things do the nations of the world seek after: and your Father knoweth that ye have need of these things. But rather seek ye the kingdom of God; and all these things shall be added unto you. Fear not, little flock; for it is your Father's good pleasure to give you the kingdom. Sell that ye have, and give alms; provide yourselves bags which wax not old, a treasure in the heavens that faileth not, where no thief approacheth, neither moth corrupteth. For where your treasure is, there will your heart be also. Let your loins be girded about, and *your* lights burning; and ye yourselves like unto men that wait for their lord, when he will return from the wedding; that when he cometh and knocketh, they may open unto him immediately. Blessed are those servants whom the lord when he cometh shall find watching; Verily I say unto you, That he shall gird himself, and make them to sit down to meat, and will come forth and serve them. And if he shall come in the second watch, or come in the third watch, and find *them* so, blessed are those servants. And this know, that, if the good man of the house had known what hour the thief would come he would have watched, and not have suffered his house to be broken through. Be ye therefore ready also; for the Son of man cometh at an hour when ye think not. Then Peter said unto him, Lord, speakest thou this parable unto us, or even to all? And the Lord said, Who then is that faithful and wise steward, whom *his* lord shall make ruler over his household, to give *them their* portion of meat in due season? Blessed *is* that servant, whom his lord when he cometh shall find *so* doing. Of a truth I say unto you, that he will make him ruler over all that he hath. But and if that servant say in his heart, My lord delayeth his coming; and shall begin to beat the men-servants and maidens, and to eat and drink and to be drunken; the lord of that servant will come in a day when he looketh not for *him*, and at an hour when he is not aware, and



will cut him in sunder, and will appoint him his portion with the unbelievers. And that servant, which knew his lord's will, and prepared not *himself*, neither did according to his will, shall be beaten with many *stripes*. But he that knew not, and did commit things worthy of stripes, shall be beaten with few *stripes*. For unto whomsoever much is given, of him shall be much required: and to whom men have committed much, of him they will ask the more. I am come to send fire on the earth; and what will I, if it be already kindled? But I have a baptism to be baptized with; and how am I straitened till it be accomplished! Suppose ye that I am come to give peace on earth? I tell you, Nay; but rather division: for from henceforth there shall be five in one house divided, three against two, and two against three. The father shall be divided against the son, and the son against the father; the mother against the daughter, and the daughter against the mother; the mother-in-law against her daughter-in-law and the daughter-in-law against her mother-in-law. And he said also to the people, When ye see a cloud rise out of the west, straightway ye say, There cometh a shower: and so it is. And when ye see the south wind blow ye say, There will be heat; and it cometh to pass. Ye hypocrites! ye can discern the face of the sky and of the earth; but how is it that ye do not discern this time? Yea, and why even of yourselves judge ye not what is right? When thou goest with thine adversary to the magistrate, *as thou art* in the way, give diligence that thou mayest be delivered from him; lest he hale thee to the judge, and the judge deliver thee to the officer, and the officer cast thee into prison. I tell thee, thou shalt not depart thence, till thou hast paid the very last mite.

<sup>1</sup>There were present at that season some that told him of the Galilaeans, whose *blood* Pilate had mingled with their sacrifices. And Jesus answering said unto them, Suppose ye that these Galilaeans were sinners above all the Galilaeans, because they suffered such things? I tell you, Nay: but, except ye repent, ye shall all likewise perish. Of those eighteen, upon whom the tower in Siloam fell, and slew them, think ye that they were sinners above all men that dwelt in Jerusalem? I tell you Nay: but, except ye repent ye shall all likewise perish. He spake also this parable: A certain *man* had a fig tree planted in his vineyard; and he came and sought fruit thereon, and found none. Then said he unto the dresser of his vineyard, Behold, these three years I come seeking fruit of this fig tree, and find none: cut it down: why cumbereth

<sup>1</sup> *Luke*, Chapter xiii, 1.

it the ground? And he answering said unto him, Lord, let it alone this year also, till I shall dig about it, and dung *it*: and if it bear fruit, *well*: and if not, *then* after that thou shalt cut it down.

<sup>1</sup>And the ruler of the synagogue answered with indignation, because that Jesus had healed on the sabbath day, and said unto the people, There are six days in which men ought to work: in them therefore come and be healed, and not on the sabbath day. The Lord then answered him, and said, *Thou* hypocrite! doth not each one of you on the sabbath loose his ox or his ass from the stall and lead him away to watering? And ought not this woman, being a daughter of Abraham, whom Satan hath bound, lo, these eighteen years, to be loosed from this bond on the sabbath day? And when he had said these things, all his adversaries were ashamed: and all the people rejoiced for all the glorious things that were done by him.

Then said he, Unto what is the kingdom of God like? and whereunto shall I resemble it? It is like a grain of mustard seed, which a man took, and cast into his garden; and it grew, and waxed a great tree; and the fowls of the air lodged in the branches of it. And again he said, Whereunto shall I liken the kingdom of God? It is like leaven, which a woman took and hid, in three measures of meal, till the whole was leavened.

Then said one unto him, Lord, are there few that be saved? And he said unto them, Strive to enter in at the strait gate: for many, I say unto you, will seek to enter in and shall not be able. When once the master of the house is risen up, and hath shut to the door, and ye begin to stand without, and to knock at the door, saying, Lord, Lord, open unto us; and he shall answer and say unto you, I know you not whence ye are: then shall ye begin to say, We have eaten and drunk in thy presence, and thou hast taught in our streets. But he shall say, I tell you, I know you not whence ye are: depart from me, all *ye* workers of iniquity. There shall be weeping and gnashing of teeth, when ye shall see Abraham, and Isaac, and Jacob, and all the prophets, in the kingdom of God, and you *yourselves* thrust out. And they shall come from the east and *from* the west, and from the north, and *from* the south, and shall sit down in the kingdom of God. And, behold, there are last which shall be first, and there are first which shall be last.

The same day there came certain of the Pharisees saying

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<sup>1</sup> *Luke*, Chapter xiii, 14.

unto him, Get thee out, and depart hence: for Herod will kill thee. And he said unto them, Go ye, and tell that fox, Behold, I cast out devils, and I do cure to-day and to-morrow, and the third day I shall be perfected. Nevertheless I must walk to-day, and to-morrow, and the day following: for it cannot be that a prophet perish out of Jerusalem. O Jerusalem, Jerusalem which killest the prophets, and stonest them that are sent unto thee; how often would I have gathered thy children together, as a hen *doth gather* her brood under her wings, and ye would not! Behold, your house is left unto you desolate: and Verily I say unto you, Ye shall not see me, until *the time* come when ye shall say, Blessed is he that cometh in the name of the Lord.

<sup>1</sup>And it came to pass, as he went into the house of one of the chief Pharisees to eat bread on the sabbath day that they watched him. And, Behold, there was a certain man before him which had the dropsy. And Jesus answering spake unto the lawyers and Pharisees, saying, Is it lawful to heal on the sabbath day? And they held their peace. And he took him, and healed him, and let him go; and answered them, saying, Which of you shall have an ass or an ox fallen into a pit, and will not straightaway pull him out on the sabbath day? And they could not answer him again to these things. And he put forth a parable to those which were bidden, when he marked how they chose out the chief rooms; saying unto them, When thou art bidden of any *man* to wedding, sit not down in the highest room; lest a more honourable man than thou be bidden of him; and he that bade thee and him come and say to thee, Give this man place; and thou begin with shame to take the lowest room. But when thou art bidden, go and sit down in the lowest room; that when he that bade thee cometh, he may say unto thee, Friend, go up higher: then shalt thou have worship in the presence of them that sit at meat with thee. For whosoever exalteth himself shall be abased; and he that humbleth himself shall be exalted. Then said he also to him that bade him, When thou makest a dinner or a supper, call not thy friends, nor thy brethren, neither thy kinsmen, nor *thy* rich neighbours; lest they also bid thee again, and a recompense be made thee. But when thou makest a feast, call the poor, the maimed, the lame, the blind: and thou shalt be blessed; for they cannot recompense thee: for thou shalt be recompensed at the resurrection of the just. And when one of them that sat at meat with him heard these things, he said unto him, Blessed is he that shall eat bread in the

<sup>1</sup> Luke, Chapter xiv, 1.

kingdom of God. Then said he unto him, A certain man made a great supper, and bade many: and sent his servant at supper time to say to them that were bidden, Come; for all things are now ready. And they all with one *consent* began to make excuse. The first said unto him, I have bought a piece of ground, and I must needs go and see it: I pray thee have me excused. And another said, I have bought five yoke of oxen, and I go to prove them: I pray thee have me excused. And another said I have married a wife and therefore I cannot come, So that servant came, and shewed his lord these things. Then the master of the house being angry said to his servant, Go out quickly into the streets and lanes of the city, and bring in hither the poor, and the maimed, and the halt, and the blind. And the servant said, Lord it is done as thou hast commanded, and yet there is room. And the lord, said unto the servant, Go out into the highways and hedges, and compel *them* to come in, that my house may be filled. For I say unto you, That none of those men which were bidden shall taste of my supper.

And there went great multitudes with him: and he turned and said unto them, If any *man* come to me and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple, And whosoever doth not bear his cross, and come after me, cannot be my disciple. For which of you, intending to build a tower, sitteth not down first, and counteth the cost, whether he have *sufficient* to finish it? Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold *it* begin to mock him, saying, This man began to build, and was not able to finish. Or what king, going to make war against another king, sitteth not down first, and consulteth whether he be able with ten thousand to meet him that cometh against him with twenty thousand? Or else, while the other is yet a great way off, he sendeth an ambassage, and desireth conditions of peace. So likewise, whosoever he be of you that forsaketh not all that he hath, he cannot be my disciple. Salt is good: but if the salt have lost its savour, wherewith shall it be seasoned? It is neither fit for the land, nor yet for the dunghill; but men cast it out. He that hath ears to hear, let him hear.

<sup>1</sup>Then drew' near unto him all the publicans and sinners for to hear him. And the Pharisees and scribes murmured, saying, This man receiveth sinners and eateth with them. And he spake this parable unto them, saying, What

<sup>1</sup> *Luke*, Chapter xv, 1.

man of you, having an hundred sheep, if he lost one of them, doth not leave the ninety and nine in the wilderness, and go after that which is lost, until he find it? And when he hath found *it*, he layeth *it* on his shoulders, rejoicing. And when he cometh home, he calleth together, *his* friends and neighbours, saying unto them, Rejoice with me; for I have found my sheep which was lost. I say unto you, that likewise joy shall be in heaven over one sinner that repenteth, more than over ninety and nine just persons, which need no repentance. Either what woman having ten pieces of silver, if she lose one piece, doth not light a candle, and sweep the house, and seek diligently till she find *it*? And when she hath found *it*, she calleth *her* friends and her neighbours together, saying, Rejoice with me: for I have found the piece which I had lost. Likewise, I say unto you, There is joy in the presence of the angels of God over one sinner that repenteth. And he said, A certain man had two sons: and the younger of them said to *his* father, Father, give me the portion of goods that falleth to *me*. And he divided unto them *his* living. And not many days after, the younger son gathered all together, and took his journey into a far country, and there wasted his substance with riotous living. And when he had spent all, there arose a mighty famine in that land; and he began to be in want. And he went and joined himself to a citizen of that country: and he sent him into his fields to feed swine. And he would fain have filled his belly with the husks that the swine did eat: and no man gave unto him. And when he came to himself, he said, How many hired servants of my father's have bread enough and to spare, and I perish with hunger! I will arise and go to my father, and will say unto him, Father, I have sinned against heaven, and before thee, and am no more worthy to be called thy son: make me as one of thy hired servants. And he arose and came to his father. But when he was yet a great way off, his father saw him, and had compassion, and ran, and fell on his neck, and kissed him. And the son said unto him, Father, I have sinned against heaven, and in thy sight, and am no more worthy to be called thy son. But the father said to his servants, Bring forth the best robe, and put *it* on him; and put a ring on his hand, and shoes on *his* feet: and bring hither the fatted calf, and kill it; and let us eat, and be merry; for this my son was dead, and is alive again; he was lost, and is found. And they began to be merry. Now his elder son was in the field: and as he came and drew nigh to the house, he heard music and dancing. And he called one of the servants, and asked what these things meant. And he said unto him, Thy

brother is come; and thy father hath killed the fatted calf, because he hath received him safe and sound. And he was angry, and would not go in: therefore came his father out, and intreated him. And he answering said to *his* father, Lo, these many years do I serve thee, neither transgressed I at any time thy commandment: and yet thou never gavest me a kid, that I might make merry with my friends; but as soon as this thy son was come, which hath devoured thy living with harlots, thou hast killed for him the fatted calf. And he said unto him, Son, thou art ever with me, and all that I have is thine. It was meet that we should make merry, and be glad; for this thy brother was dead, and is alive again; and was lost, and is found.

<sup>1</sup>And he said also unto his disciples, There was a certain rich man, which had a steward; and the same was accused unto him that he had wasted his goods. And he called him and said unto him, How is it that I hear this of thee? give an account of thy stewardship; for thou mayest be no longer steward. Then the steward said within himself, What shall I do? for my lord taketh away from me the stewardship: I cannot dig; to beg I am ashamed. I am resolved what to do, that when I am put out of the stewardship, they may receive me into their houses. So he called every one of his lord's debtors *unto him*, and said unto the first, How much owest thou unto my lord? And he said, An hundred measures of oil. And he said unto him, Take thy bill, and sit down quickly, and write fifty. Then said he to another, And how much owest thou? And he said, An hundred measures of wheat. And he said unto him, Take thy bill, and write fourscore. And the lord commended the unjust steward, because he had done wisely: for the children of this world are in their generation wiser than the children of light. And I said unto you, Make to yourselves friends of the mammon of unrighteousness; that, when ye fail, they may receive you into everlasting habitations. He that is faithful in that which is least is faithful also in much: and he that is unjust in the least is unjust also in much. If therefore ye have not been faithful in the unrighteousness mammon, who will commit to your trust the true *riches*? And if ye have not been faithful in that which is another man's, who shall give you that which is your own? No servant can serve two masters: for either he will hate the one, and love the other: or else he will hold to the one and despise the other. Ye cannot serve God and mammon. And the Pharisees also, who were covetous, heard all these things and they derided him. And he said unto

<sup>1</sup> *Luke*, Chapter xvi, 1.

them, Ye are they which justify yourselves before men; but God knoweth your hearts: for that which is highly esteemed among men, is abomination in the sight of God. The law and the prophets *were* until John: since that time the kingdom of God is preached, and every man presseth into it. And it is easier for heaven and earth to pass, than one tittle of the law to fail. Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from *her* husband, committeth adultery. There was a certain rich man, which was clothed in purple and fine linen, and fared sumptuously every day: and there was a certain beggar named Lazarus, which was laid at this gate, full of sores, and desiring to be fed with the crumbs which fell from the rich man's table: moreover the dogs came and licked his sores. And it came to pass, that beggar died, and was carried by the angels into Abraham's bosom: the rich man also died, and was buried and in hell he lift up his eyes, being in torments, and seeth Abraham afar off, and Lazarus in his bosom. And he cried and said, Father Abraham, have mercy on me, and send Lazarus, that he may dip the tip of his finger in water, and cool my tongue; for I am tormented in this flame. But Abraham said, Son, remember that thou in thy life-time receivest thy good things, and likewise Lazarus evil things; but now he is comforted, and thou art tormented. And beside all this, between us and you there is a great gulf fixed: so that they which would pass from hence to you cannot; neither can they pass to us, that *would come* from thence. Then he said I pray thee, therefore, father, that thou wouldest send him to my father's house; for I have five brethren; that they may testify unto them, lest they also come into this place of torment. Abraham saith unto him, They have Moses and the prophets: let them hear them. And he said, Nay, father Abraham: but if one went unto them from the dead they will repent. And he said unto him, if they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead.

<sup>1</sup>Then said he unto the disciples, It is impossible but that offences will come: but woe *unto him*, through whom they come! It were better for him that a milestone were hanged about his neck, and he cast into the sea than that he should offend one of these little ones. Take heed to yourselves: if thy brother trespass against thee, rebuke him; and if he repent, forgive him. And if he trespass against thee seven times in a day, and seven times in a day turn again to thee, saying, I repent; thou

<sup>1</sup> Luke, Chapter xvii, 1.

shalt forgive him. And the apostles said unto the Lord, Increase our faith. And the Lord said, If ye had faith as a grain of mustard seed, ye might say unto this sycamine tree, Be thou plucked up by the root, and be thou planted in the sea; and it should obey you. But which of you, having a servant plowing or feeding cattle, will say unto him by and by, when he is come from the field, Go and sit down to meat? And will not rather say unto him, Make ready wherewith I may sup, and gird thyself, and serve me, till I have eaten and drunken; and afterwards thou shalt eat and drink? Doth he thank that servant because he did the things that we commanded him? I trow not. So likewise ye, when ye shall have done all those things which are commanded you, say, We are unprofitable servants: we have done that which was our duty to do.

<sup>1</sup>And he spake a parable unto them *to this end*, that men ought always to pray, and not to faint; saying, There was in a city a judge, which feared not God, neither regarded man: and there was a widow in that city; and she came unto him, saying, Avenge me of mine adversary. And he could not for a while; but afterward he said within himself, though, I fear not God: nor regard man; yet because this widow troubleth me, I will avenge her, lest by her continued coming she weary me. And the Lord said, Hear what the unjust judge saith. And shall not God avenge his own elect, which cry day and night unto him, though he bear long with them? I tell you that he will avenge them speedily. Nevertheless when the Son of man cometh shall he find faith on the earth?

And he spake this parable unto certain which trusted in themselves that they were righteous, and despised others: Two men went up into the temple to pray; the one a Pharisee, and the other a publican. The Pharisee stood and prayed thus with himself: God I thank thee that I am not as other men *are*, extortioners, unjust, adulterers, or even as this publican. I fast twice in the week, I give tithes of all that I possess. And the publican, standing afar off, would not lift up so much as *his* eyes unto heaven, but smote upon his breast, saying, God be merciful to me a sinner. I tell you, this man went down to his house justified *rather* than the other: for every one that exalteth himself shall be abased; and he that humbleth himself shall be exalted.

And they brought unto him also infants, that he would touch them: but when his disciples saw *it*, they rebuked them. But Jesus called them *unto him*, and said, Suffer little children

<sup>1</sup> *Luke, Chapter xviii, 1.*



to come unto me, and forbid them not: for of such is the kingdom of God. Verily I say unto you, Whosoever shall not receive the kingdom of God as a little child, shall in no wise enter therein.

And a certain ruler asked him, saying, Good Master, what shall I do to inherit eternal life? And Jesus said unto him, Why callest thou me good? none is good save one, *that is*, God. Thou knowest the commandments, Do not commit adultery, Do not kill, Do not steal, Do not bear false witness, Honour thy father and thy mother. And he said, All these have I kept from my youth up. Now when Jesus heard these things, he said unto him, Yet lackest thou one thing; sell all that thou hast, and distribute unto the poor, and thou shalt have treasure in heaven: and come, follow me. And when he heard this, he was very sorrowful: for he was very rich. And when Jesus saw that he was very sorrowful, he said, How hardly shall they that have riches enter into the kingdom of God! For it is easier for a camel to go through a needle's eye, than for a rich man to enter into the kingdom of God. And they that heard *it* said, Who then can be saved? And he said, The things which are impossible with men are possible with God. Then Peter said, Lo, we have left all, and followed thee, And he said unto them, Verily I say unto you, There is no man that hath left house, or parents, or brethren, or wife, or children, for the kingdom of God's sake, who shall not receive manifold more in his present time, and in the world to come life everlasting.

<sup>1</sup>He said therefore, A certain nobleman went into a far country to receive for himself a kingdom, and to return. And he called his ten servants, and delivered them ten pounds, and said unto them, Occupy till I come. But his citizens hated him, and sent a message after him, saying, We will not have this *man* to reign over us. And it came to pass, that when he was returned, having received the kingdom, then he commanded these servants to be called unto him, to whom he had given the money, that he might know how much every man had gained by trading. Then came the first, saying, Lord thy pound hath gained ten pounds. And he said unto him, Well, thou good servant: because thou hast been faithful in a very little, have thou authority over ten cities. And the second came, saying, Lord, thy pound hath gained five pounds. And he said likewise to him, Be thou also over five cities. And another came saying, Lord behold *here is* thy pound, which I have kept laid up in a napkin: for I feared thee, because thou art an

<sup>1</sup> *Luke*, Chapter xix, 12.

austere man: thou takest up that thou layedst not down and reapest that thou didst not sow. And he saith unto him, Out of thine own mouth will I judge thee, thou wicked servant. Thou knewest that I was an austere man, taking up that I laid not down, and reaping that I did not sow: wherefore then gavest not thou my money into the bank, that at my coming I might have required mine own with usury? And he said unto them that stood by, Take from him the pound, and give *it* to him that hath ten pounds. And they said unto him, Lord, he hath ten pounds. For I say unto you, That unto every one which hath shall be given; and from him that hath not, even that he hath shall be taken away from him. But those mine enemies, which would not that I should reign over them, bring hither, and slay *them* before me.

<sup>1</sup>And the chief priests and the scribes the same hour sought to lay hands on him; and they feared the people; for they perceived that he had spoken this parable against them. And they watched *him*, and sent forth spies, which should feign themselves just men, that they might take hold of his words, that so they might deliver him unto the power and authority of the governor. And they asked him, saying, Master we know that thou sayest and teachest rightly, neither acceptest thou the person *of any*, but teachest the way of God truly: Is it lawful for us to give tribute unto Caesar, or no? But he perceived their craftiness, and said unto them, Why tempt ye me? Shew me a penny. Whose image and superscription hath it? They answered and said, Caesar's. And he said unto them, Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's. And they could not take hold of his words before the people: and they marvelled at his answer, and held their peace. Then came to *him* certain of the Sadducees, which deny that there is any resurrection: and they asked him, saying, Master, Moses wrote unto us, If any man's brother die, having a wife and he die without children, that his brother should take his wife, and raise up seed unto his brother. There were therefore seven brethren, and the first took a wife, and died without children. And the second took her to wife, and he died childless. And the third took her; and in like manner the seven also: and they left no children and died. Last of all the woman died also. Therefore, in the resurrection whose wife of them is she? for seven had her to wife. And Jesus answering said unto them. The children of this world marry, and are given in marriage: but they which shall

<sup>1</sup> Luke, Chapter xx, 19.

be accounted worthy to obtain that world, and the resurrection from the dead, neither marry, nor are given in marriage: neither can they die any more: for they are equal unto the angels; and are the children of God, being the children of the resurrection. Now that the dead are raised, even Moses shewed at the bush when he calleth the Lord the God of Abraham, and the God of Issac, and the God of Jacob. For he is not a God of the dead, but of the living; for all live unto him. Then certain of the scribes answering said, Master, thou hast well said.

<sup>1</sup>And he looked up, and saw the rich men casting their gifts into the treasury. And he saw also a certain poor widow casting in thither two mites. And he said, Of a truth I say unto you, that this poor widow hath cast in more than they all: for all these have of their abundance cast in unto the offerings of God: but she of her penury hath cast in all the living that she had.

<sup>2</sup>There was a man of the Pharisees, named Nicodemus, a ruler of the Jews: the same came to Jesus by night, and said unto him, Rabbi, we know that thou art a teacher come from God: for no man can do these miracles that thou doest, except God be with him, Jesus answered and said unto him, Verily, verily, I say unto thee, Except a man be born again, he cannot see the kingdom of God. Nicodemus saith unto him, How can a man be born when he is old? Can he enter the second time into his mother's womb, and be born? Jesus answered, Verily, verily, I say unto thee, Except a man be born of water and of the Spirit, he cannot enter into the kingdom of God. That which is born of the flesh is flesh; and that which is born of the Spirit is spirit. Marvel not that I said unto thee, Ye must be born again. The wind bloweth where it listeth, and thou hearest the sound thereof but canst not tell whence it cometh, and whither it goeth: so is every one that is born of the Spirit. Nicodemus answered and said unto him, How can these things be? Jesus answered and said unto him, Art thou a master of Israel, and knowest not these things? Verily, verily, I say unto thee, We speak that we do know, and testify that we have seen; and ye receive not our witness. If I have told you earthly things, and ye believe not, how shall ye believe if I tell you of heavenly things? And no man hath ascended up to heaven, but he that came down from heaven, *even* the Son of man which is in heaven, And as Moses lifted up the serpent in the wilderness, even so must the Son of man be lifted up: that whosoever believeth in him should not perish, but

<sup>1</sup> *Luke*, Chapter xxi, 1.

<sup>2</sup> *John*, Chapter iii, 1.

have eternal life. For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life. For God sent not his Son into the world to condemn the world; but that the world through him might be saved. He that believeth on him is not condemned: but he that believeth not is condemned already, because he hath not believed in the name of the only begotten Son of God. And this is the condemnation, that light is come into the world, and men loved darkness rather than light, because their deeds were evil. For every one that doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh to the light, that his deeds may be made manifest, that they are wrought in God.

<sup>1</sup>But the hour cometh, and now is, when the true worshippers shall worship the Father in spirit and in truth: for the Father seeketh such to worship him. God is a Spirit: and they that worship *him* must worship him in spirit and in truth.

<sup>2</sup>Labour not for the meat which perisheth, but for that meat which endureth unto everlasting life, which the Son of man shall give unto you: for him hath God the Father sealed.

<sup>3</sup>And the scribes and Pharisees brought unto him, a woman taken in adultery; and when they had set her in the midst, they say unto him. Master, this woman was taken in adultery, in the very act. Now Moses in the law commanded us, that such should be stoned: but what sayest thou? This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with *his* finger wrote on the ground, *as though he heard them not*. So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you let him first cast a stone at her. And again he stooped down, and wrote on the ground. And they which heard *it* being convicted by *their own* conscience, went out one by one, beginning at the eldest, *even* unto the last: and Jesus was left alone, and the woman standing in the midst. When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? hath no man condemned thee? She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more.

<sup>4</sup>And Jesus said, For judgment I am come into this world, that they which see not might see; and that they which see

<sup>1</sup> *John*, Chapter iv, 23.

<sup>2</sup> *John*, Chapter vi, 27.

<sup>3</sup> *John*, Chapter viii, 3.

<sup>4</sup> *John*, Chapter ix, 39.

might be made blind. And *some* of the Pharisees which were with him heard these words, and said unto him, Are we blind also? Jesus said unto them, If ye were blind, ye should have no sin: but now ye say, We see; therefore your sin remaineth.

<sup>1</sup>I am the true vine, and my Father is the husbandman. Every branch in me that beareth not fruit he taketh away: and every *branch* that beareth fruit, he purgeth it, that it may bring forth more fruit. Now ye are clean through the word which I have spoken unto you. Abide in me, and I in you. As the branch cannot bear fruit of itself, except it abide in the vine; no more can ye, except ye abide in me. I am the vine, ye *are* the branches: he that abideth in me, and I in him, the same bringeth forth much fruit: for without me ye can do nothing. If a man abide not in me, he is cast forth as a branch, and is withered; and men gather them, and cast *them* in the fire, and they are burned. If ye abide in me, and my words abide in you, ye shall ask what ye will, and it shall be done unto you. Herein is my Father glorified, that ye bear much fruit; so shall ye be my disciple. As the Father hath loved me, so have I loved you: continue ye in my love. If ye keep my commandments, ye shall abide in my love; even as I have kept my Father's commandments, and abide in his love. These things have I spoken unto you, that my joy might remain in you, and *that* your joy might be full. This is my commandment, That ye love one another, as I have loved you. Greater love hath no man than this, that a man lay down his life for his friends. Ye are my friends, if ye do whatsoever I command you. Henceforth I call you not servants; for the servant knoweth not what his lord doeth: but I have called you friends, for all things that I have heard of my Father I have made known unto you. Ye have not chosen me, but I have chosen you, and ordained you, that ye should go and bring forth fruit, and *that* your fruits should remain: that whatsoever ye shall ask of the Father in my name, he may give it you. These things I command you, that ye love one another.

<sup>1</sup> John, Chapter xv, 1.

# The Vedanta

## Introduction

### To the Believers of the Only True God

The greater part of Brahmans, as well as of other sects of Hindus, are quite incapable of justifying that idolatry which they continue to practise. When questioned on the subject, in place of adducing reasonable arguments in support of their conduct, they conceive it fully sufficient to quote their ancestors as positive authorities! And some of them are become very ill-disposed towards me, because I have forsaken idolatry for the worship of the true and eternal God! In order, therefore, to vindicate my own faith and that of our early forefathers, I have been endeavouring, for some time past, to convince my countrymen of the true meaning of our sacred books; and to prove, that my aberration deserves not the opprobrium which some unreflecting persons have been so ready to throw upon me.

The whole body of the Hindu Theology, Law and Literature, is contained in the Vedas, which are affirmed to be coeval with the creation! These works are extremely voluminous, and being written in the most elevated and metaphorical style, are, as may be well supposed, in many passages seemingly confused and contradictory. Upwards of two thousand years ago, the great Vyasa, reflecting on the perpetual difficulty arising from these sources, composed with great discrimination a complete and compendious abstract of the whole, and also reconciled those texts which appeared to stand at variance. This work he termed *The Vedanta*, which, compounded of two Sanskrit words, signifies "*The Resolution of All the Vedas*". It has continued to be most highly revered by all Hindus, and in place of the more diffuse arguments of the *Vedas*, is always referred to as equal authority. But from its being concealed within the dark curtain of the Sanskrit language, and the Brahmans permitting themselves alone to interpret, or even to touch any book of the kind, the *Vedanta*, although perpetually quoted, is little known to the public; and the practice of few Hindus indeed bears the least accordance with its precepts!

In pursuance of my vindication, I have to the best of my abilities translated this hitherto unknown work, as well as an

abridgment thereof, into the Hindustani and Bengali languages, and distributed them, free of cost, among my own countrymen, as widely as circumstances have possibly allowed. The present is an endeavour to render an abridgment of the same into English, by which I expect to prove to my European friends, that the superstitious practices which deform the Hindu religion have nothing to do with the pure spirit of its dictates!

I have observed, that both in their writings and conversation, many Europeans feel a wish to palliate and soften the features of Hindu idolatry; and are inclined to inculcate, that all objects of worship are considered by their votaries as emblematical representations of the Supreme Divinity! If this were indeed the case, I might perhaps be led into some examination of the subject: but the truth is, the Hindus of the present day have no such views of the subject, but firmly believe in the real existence of innumerable gods and goddesses, who possess, in their own departments, full and independent power; and to propitiate them, and not the true God, are temples erected and ceremonies performed. There can be no doubt, however, and it is my whole design to prove, that every rite has its derivation from the allegorical adoration of the true Deity; but at the present day all this is forgotten, and among many it is even heresy to mention it!

I hope it will not be presumed that I intend to establish the preference of my faith over that of other men. The result of controversy on such a subject, however multiplied, must be ever unsatisfactory; for the reasoning faculty, which leads men to certainty in things within its reach, produces no effect on questions beyond its comprehension. I do no more than assert, that if correct reasoning and the dictates of common sense induce the belief of a wise, uncreated Being, who is the Supporter and Ruler of the boundless universe, we should also consider him the most powerful and supreme Existence, far surpassing our powers of comprehension or description. And, although men of *uncultivated* minds, and even some *learned* individuals, (but in this one point blinded by *prejudice*), readily choose, as the object of their adoration, anything which they can always see, and which they pretend to *feel*; the absurdity of such conduct is not thereby in the least degree diminished.

My constant reflections on the inconvenient, or rather injurious rites introduced by the peculiar practice of Hindu idolatry which, more than any other pagan worship, destroys the texture of society, together with compassion for my countrymen, have compelled me to use every possible effort to awaken them from their dream of error: and by making them acquainted

with their scriptures, enable them to contemplate with true devotion the unity and omnipresence of Nature's God.

By taking the path which conscience and sincerity direct, I, born a Brahman, have exposed myself to the complainings and reproaches even of some of my relations, whose prejudices are strong, and whose temporal advantage depends upon the present system. But these, however, accumulated, I can tranquilly bear, trusting that a day will arrive when my humble endeavours will be viewed with justice—perhaps acknowledged with gratitude. At any rate, whatever men may say, I cannot be deprived of this consolation: my motives are acceptable to that Being who beholds in secret and compensates openly!

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*The foregoing is the introductory part of the text to be followed.*



The illustrious Vyasa<sup>1</sup>, in his celebrated work, the Vedanta, insinuates in the first text, that it is absolutely necessary for mankind to acquire knowledge respecting the Supreme Being, who is the subject of discourse in all the Vedas, and the Vedanta, as well as in the other systems of Theology. But he found, from the following passages of the Vedas, that this inquiry is limited to very narrow bounds, viz., "The Supreme Being is not comprehensible by vision, or by any other of the organs of sense; nor can he be conceived by means of devotion, or virtuous practices."<sup>2</sup> "He sees everything, though never seen; hears everything, though never directly heard of. He is neither short, nor is he long;<sup>3</sup> inaccessible to the reasoning faculty; not to be compassed by description; beyond the limits of the explanation of the Veda or of human conception!"<sup>4</sup> Vyasa, also, from the result of various arguments coinciding with the Veda, found that the accurate and positive knowledge of the Supreme Being is not within the boundary of comprehension; i.e. that *what*, and *how*, the Supreme Being is, cannot be definitely ascertained. He has, therefore, in the second text, explained the Supreme Being by his effects and works, without attempting to define his essence; in like manner as we, not knowing the real nature of the sun, explain him to be the cause of the succession of days and epochs. "He by whom the birth, existence, and annihilation of the world is regulated, is the Supreme Being." We see the multifarious, wonderful universe, as well as the birth, existence, and annihilation of its different parts; hence, we naturally infer the existence of a Being who regulates the whole, and call him the Supreme; in the same manner as from the sight of a pot we conclude the existence of its artificer. The Veda, in like manner, declares the Supreme Being thus: "He from whom the universal world proceeds, who is the Lord of the Universe, and whose work is the universe, is the Supreme Being."<sup>5</sup>

The Veda is not supposed to be an eternal Being, though sometimes dignified with such an epithet; because its being created by the Supreme Being is declared in the same Veda thus: "All the texts and parts of the Veda were created": and also in

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<sup>1</sup> The greatest of the Indian theologians, philosophers, and poets, was begotten by the celebrated Parasara and Satyawati. Vyasa collected and divided the Vedas into certain books and chapters. He is therefore commonly called Veda Vyasa. The word Vyasa is composed of the preposition *vi* and the verb *as* to divide.

<sup>2</sup> *Mundaka*.

<sup>3</sup> *Brihadaranyaka*.

<sup>4</sup> *Kathavalli*.

<sup>5</sup> *Taittiriya*.

the third text of the Vedanta, God is declared to be the cause of all the Vedas.

The *void Space* is not conceived to be the independent cause of the world, notwithstanding the following declaration of the Veda, "The world proceeds from the void space;"<sup>1</sup> for the Veda again declares, "By the Supreme Being the void space was produced." And the Vedanta<sup>2</sup> says: "As the Supreme Being is evidently declared in the Veda to be the cause of the void Space, Air, and Fire, neither of them can be supposed to be the independent cause of the universe."

Neither is *Air* allowed to be the Lord of the Universe, although the Veda says in one instance, "In air every existing creature is absorbed," for the Veda again affirms that "Breath, the intellectual power, all the internal and external senses, the void Space, Air, Light, Water, and the extensive Earth, proceeded from the Supreme Being!" The Vedanta<sup>3</sup> also says: "God is meant by the following text of the Veda, as a Being more extensive than all the extension of Space," *viz.* "That breath is greater than the extension of Space in all directions," as it occurs in the Veda, after the discourse concerning common breath is concluded.

*Light*, of whatever description, is not inferred to be the Lord of the Universe, from the following assertion of the Veda: "The pure Light of all lights is the Lord of all creatures," for the Veda again declares,<sup>4</sup> that "The sun and all others imitate God, and borrow their light from him;" and the same declaration is found in the Vedanta.<sup>5</sup>

Neither can *Nature* be construed by the following texts of the Veda, to be the independent cause of the world: *viz.*, Man "having known *that* Nature which is an eternal being, without a beginning or an end, is delivered from the grasp of death," and "Nature operates herself," because the Veda affirms that "No being is superior or equal to God,"<sup>6</sup> and the Veda commands, "Know God alone."<sup>7</sup> and the Vedanta<sup>8</sup> thus declares: "Nature is not the Creator of the world not being represented so by the Veda," for it expressly says, "God has by his sight created the Universe." Nature is an insensible Being, she is, therefore, void of sight or intention, and consequently unable

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<sup>1</sup> *Chhandogya*.

<sup>2</sup> Fourteenth text, 4th sec. 1st chap.

<sup>3</sup> 8th, 3rd, 1st.

<sup>4</sup> *Mundaka*.

<sup>5</sup> 22nd, 3rd, 1st.

<sup>6</sup> *Katha*.

<sup>7</sup> *Mundaka*.

<sup>8</sup> 5th, 1st, 1st

to create the regular world.<sup>1</sup>

*Atoms* are not supposed to be the cause of the world, notwithstanding the following declaration: "This (Creator) is the most minute Being." Because an atom is an insensible particle, and from the above authority it is proved, that no Being void of understanding can be the author of a system so skilfully arranged.

The soul cannot be inferred from the following texts to be the Lord of the Universe, nor the independent Ruler of the intellectual powers; *viz.*, "The Soul being joined to the resplendent Being, enjoys by itself", "God and the soul enter the small void space of the heart"; because the *Veda* declares that "He (God) resides in the soul as its Ruler", and that "The soul being joined to the gracious Being, enjoys happiness."<sup>2</sup> The Vedanta also says, "The sentient soul is not understood to reside as ruler in the earth, because in both texts of the Veda it is differently, declared from that Being who rules the earth." *viz.*, "He (God) resides in the faculty of the understanding" and "He, who resides in the soul", etc.

No *god or goddess of the earth* can be meant by the following text as the ruler of the earth, *viz.*<sup>3</sup>; "He who resides in the earth, and "is distinct from the earth, and whom the earth does not know", etc.: because the Veda affirms that, "This (God alone) is the ruler of internal sense, and is the eternal Being;" and the same is asserted in the Vedanta.<sup>4</sup>

By the text which begins with the following sentence: *viz.* "This is the sun", and by several other texts testifying the dignity of the sun, he is not supposed to be the original cause of the universe, because the Veda declares, that<sup>5</sup> "He who resides in the sun (as his Lord) is distinct from the sun", and the Vedanta declares the same.<sup>6</sup>

In like manner none of the celestial gods can be inferred from the various assertions of the Veda respecting their deities respectively, to be the independent cause of the Universe; because the Veda repeatedly affirms that "All the Vedas prove nothing but the unity of the Supreme Being." By allowing the divinity of more than one Being, the following positive affirmations of the Veda, relative to the unity of God, become false and

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<sup>1</sup> *Katha*.

<sup>2</sup> 20th, 2nd, 1st.

<sup>3</sup> *Brihadaranyaka*.

<sup>4</sup> 18th, 2nd, 1st.

<sup>5</sup> *Brihadaranyaka*.

<sup>6</sup> 21st, 1st, 1st.

absurd: "God is indeed one and has no second."<sup>1</sup> "There is none but the Supreme Being possessed of universal knowledge."<sup>2</sup> "He who is without any figure, and beyond the limit of description, is the Supreme Being."<sup>3</sup> "Appellations and figures of all kinds are innovations." And from the authority of many other texts it is evident that any being that bears figure, and is subject to description, cannot be the eternal, independent cause of the universe.

The Vedas not only call the celestial representations deities, but also in many instances give the divine epithet to the mind, diet, void space, quadruped animals, slaves, and flymen: as, "The Supreme Being is a quadruped animal in one place, and in another he is full of glory. The mind is the Supreme Being, it is to be worshipped." "God is the letter 'ka' as well as 'kha', and God is in the shape of slaves and that of flymen." The Veda has allegorically represented God in the figure of the Universe, *viz.*, "Fire" is his head, the sun and the moon are his "two eyes",<sup>4</sup> etc. And also the Veda calls God the void space of the heart, and declares him to be smaller than the grain of paddy and barley: but from the foregoing quotations neither any of the celestial gods nor any existing creature, should be considered the Lord of the Universe because<sup>5</sup> the third chapter of the Vedānta explains the reason for these secondary assertions thus: "By these appellations of the Veda, which denote the "diffusive spirit of the Supreme Being equally over all creatures by means of extension, his omnipresence is established:" so the Veda says, "All that exists is indeed God,"<sup>6</sup> *i.e.*, nothing bears true existence excepting God, "and whatever we smell or taste is the Supreme Being", *i.e.* the existence of whatever thing that appears to us, relies on the existence of God. It is indisputably evident that none of these metaphorical representations, which arise from the elevated style in which all the Vedas are written, were designed to be viewed in any other light than mere allegory. Should individuals be acknowledged to be separate deities, there would be a necessity for acknowledging many independent creators of the world which is directly contrary to common sense, and to the repeated authority of the Veda. The Vedānta also declares, "That Being which is dis-

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<sup>1</sup> *Katha.*

<sup>2</sup> *Bṛihadaranyaka.*

<sup>3</sup> *Chhandogya.*

<sup>4</sup> *Mundaka.*

<sup>5</sup> 38th text, 2nd sec.

<sup>6</sup> *Chhandogya.*

tinct from matter, and from those which are contained in matter, is not various because he is declared by all the Vedas to be one beyond description";<sup>1</sup> and it is again stated that "The Veda has declared the Supreme Being to be mere understanding:"<sup>2</sup> also in the third chapter is found that "The Veda having at first explained the Supreme Being by different epithets begins with the word *Atha* or now," and declares that, "All descriptions which I have used to describe the Supreme Being are incorrect", because he by no means can be described; and so is it stated in the sacred commentaries of the Veda.

The fourteenth text of the second section of the third chapter of the Vedanta declares, "It being directly represented by the Veda, that the Supreme Being bears no figure nor form;" and the following texts of the Veda assert the same, *viz.*, "The true Being was before all",<sup>3</sup> "The Supreme Being has no feet, but extends everywhere; has no hands, yet holds everything; has no eyes, yet sees all that is; has no ears, yet hears everything that passes." "His existence had no cause." "He is the smallest of the small, and the greatest of the great: and yet is, in fact, neither small nor great."

In answer to the following questions, *viz.*, "How can the Supreme Being be supposed to be distinct from, and above all existing creatures, and at the same time omnipresent? How is it possible that he should be described by properties inconceivable by reason, as seeing without eye, and hearing without ear?" To these questions the Vedanta in chapter second, replies, "In God are all sorts of power and splendour." And the following passages of the Veda also declare the same: "God is all-powerful";<sup>4</sup> and "It is by his supremacy that he is in possession of all powers"; i.e. what may be impossible for us is not impossible for God, who is the Almighty, and the sole Regulator of the Universe.

Some celestial gods have, in different instances, declared themselves to be independent deities, and also the object of worship; but these declarations were owing to their thoughts being abstracted from themselves and their being entirely absorbed in divine reflection. The Vedanta declares: "This exhortation of Indra (or the god of the atmosphere) respecting his divinity, to be indeed agreeable to the authorities of the Veda"; that is, "Every one, on having lost all self-consideration in consequence of being united with divine reflection, may speak as

<sup>1</sup> 11th 2nd, 3rd.

<sup>2</sup> 16th, 2nd, 3rd

<sup>3</sup> *Chhandogya*.

<sup>4</sup> *Svetasvatara*.

assuming to be the Supreme Being; like Vamadeva (a celebrated Brahman) who, in consequence of such self-forgetfulness, declared himself to have created the sun, and Manu, the next person to Brahman." It is therefore optional with every one of the celestial gods, as well as with every individual, to consider himself as God, under this state of self-forgetfulness and unity with the Divine reflection, as the Veda says, "You are that true Being" (when you lose all self-consideration), and "O God, I am nothing but you." The sacred commentators have made the same observation, *viz.*, "I am nothing but true Being and am pure Understanding, full of eternal happiness, and am by nature free from worldly effects." But in consequence of this reflection, none of them can be acknowledged to be the cause of the universe or the object of adoration.

God is the efficient cause of the universe, as a potter is of earthen pots; and he is also the material cause of it, the same as the earth is the material cause of the different earthen pots, or as a rope, at an inadvertent view taken for a snake, is the material cause of the conceived existence of the snake, which appears to be true by the support of the real existence of the rope. So says the Vedanta,<sup>1</sup> "God is the "efficient cause of the Universe, as well as the material cause thereof (as a spider of its web,)" as the Veda has positively declared, "That from a knowledge of God alone, a knowledge of every existing thing proceeds." Also the Veda compares the knowledge respecting the Supreme Being to a knowledge of the earth, and the knowledge respecting the different species existing in the universe to the knowledge of earthen pots, which declaration and comparison prove the unity between the Supreme Being and the universe; and by the following declaration of the Veda, *viz.*, "The Supreme Being has by his sole "intention created the Universe", it is evident that God is the wilful agent of all that can have existence.

As the *Veda* says that the Supreme Being intended (at the time of creation) to extend himself, it is evident that the Supreme Being is the origin of all matter, and its various appearances; as the reflection of the sun's meridian rays on sandy plains is the cause of the resemblance of an extended sea. The *Veda* says, that "All figures and their appellations are mere inventions, and that the Supreme Being alone is real existence" consequently things that bear figure and appellation cannot be supposed the cause of the universe.

The following texts of the *Veda*, *viz.*, "Krishna (the god of preservation) is greater than all the celestial gods, to whom the

<sup>1</sup> 23rd, 8th, 1st.

mind should be applied." "We all worship Mahadeva (the god of destruction)." "We adore the sun." "I worship the most revered Varuna (the god of the sea)." "Dost thou worship me," says the Air, "who am the eternal and universal life." "Intellectual power is God, which should be adored"; and "*Udgitha* (or a certain part of the *Veda*) should be worshipped." These, as well as several other texts of the same nature are not real commands to worship the persons and things above-mentioned, but only direct those who are unfortunately incapable of adoring the invisible Supreme Being, to apply their minds to any visible thing rather than allow them to remain idle. The *Vedanta* states, that "The declaration of the *Veda*<sup>1</sup>, that those who "worship also the celestial gods are the food of such gods," is an allegorical expression, and only means that they are comforts to the celestial gods, as food is to mankind; for he who has no faith in the Supreme Being is rendered subject to these gods. The *Veda* affirms the same; *viz.*, "He who worships any god excepting the Supreme Being, and thinks that he is distinct and inferior to that god, knows nothing, and is considered as a domestic beast of these gods." And the *Vedanta* also asserts, *viz.*, "The worship authorized by all the *Vedas* is of one nature, as the direction for the worship of the only Supreme Being is invariably found in every part of the *Veda*; and the epithets the 'Supreme and the Omnipresent Being', etc., commonly imply God alone."<sup>2</sup>

The following passages of the *Veda* affirm that God is the sole object of worship, *viz.*<sup>3</sup> "Adore God alone." "Know God alone; give up all other discourse." And the *Vedanta* says, that "It is found in the *Vedas*<sup>4</sup> That none but the Supreme Being is to be worshipped, nothing excepting him should be adored by a wise man."

Moreover, the *Vedanta* declares that "Vyasa is of opinion that the adoration of the Supreme Being is required of mankind as well as of the celestial gods; because the possibility of self-resignation to God is equally observed in both mankind and the celestial deities."<sup>5</sup> The *Veda* also states,<sup>6</sup> that "Of the celestial gods, of the pious Brahmins, and of men in general, that person who understands and believes the Almighty Being, will be absorbed

<sup>1</sup> 7th, 1st, 3rd.

<sup>2</sup> 1st, 3rd, 3rd.

<sup>3</sup> *Brihadaranyaka*.

<sup>4</sup> 67th, 3rd, 3rd.

<sup>5</sup> 26th, 3rd, 1st.

<sup>6</sup> *Brihadaranyaka*.

in him." It is therefore concluded that the celestial gods and mankind have an equal duty in divine worship; and besides it is proved from the following authority of the Veda, that any man who adores the Supreme Being is adored by all the celestial gods, *viz.*, "All the celestial gods worship him who applies his mind to the Supreme Being."<sup>1</sup>

The Veda now illustrates the mode in which we should worship the Supreme Being, *viz.*, "To God we should approach, of him we should hear, of him we should think, and to him we should attempt to approximate."<sup>2</sup> The Vedanta also elucidates the subject thus: "The three latter directions in the above quoted text, are conducive to the first, *viz.*, "Approaching to God". These three are in reality included in the first (as the direction for collecting fire in the worship of fire), for we cannot approach to God without hearing and thinking of him, nor without attempting to make our approximation; and the last, *viz.* attempting to approximate to God, is required until we have approached him. By hearing of God, is meant hearing his declarations, which establish his unity; and by thinking of him is meant thinking of the contents of his law; and by attempting to approximate to him is meant attempting to apply our minds to that true Being on which the diffusive existence of the universe relies, in order that by means of the constant practice of this attempt we may approach to him. The Vedanta states,<sup>3</sup> that "Constant practice of devotion is necessary, it being represented so by the Veda;" and also adds that "We should adore God till we approach to him, and even then not forsake his adoration, such authority being found in the Veda."

The Vedanta shows that moral principle is a part of the adoration of God, *viz.*, "A command over our passions and over the external senses of the body and good acts are declared by the Veda to be indispensable in the mind's approximation to God, they should therefore be strictly taken care of, and attended to, both previously and subsequently to such approximation to the Supreme Being;"<sup>4</sup> *i.e.*, we should not indulge our evil propensities, but should endeavour to have entire control over them. Reliance on, and self-resignation to, the only true Being, with an aversion to worldly considerations, are included in the good acts above alluded to. The adoration of the Supreme Being produces eternal beatitude, as well as all desired advantages;

<sup>1</sup> *Chhandogya*.

<sup>2</sup> 47th, 4th, 3rd.

<sup>3</sup> 1st, 1st, 4th.

<sup>4</sup> 27th, 4th, 3rd.



as the Vedanta declares: "It is the firm opinion of Vyasa that from devotion to God all the desired consequences proceed";<sup>1</sup> and it is thus often represented by the Vedas, "He who is desirous of prosperity should worship the Supreme Being."<sup>2</sup> "He who knows God thoroughly adheres unto God." "The souls of the deceased forefathers of him who adores the true Being alone, enjoy freedom by his mere wish."<sup>3</sup> "All the celestial gods worships him who applies his mind to the Supreme Being"; and "He who sincerely adores the Supreme Being, is exempted from further transmigration."

A pious householder is entitled to the adoration of God equally with an Yati.<sup>4</sup> The Vedanta says, that "A householder may be allowed the performance of all the ceremonies attached to the (Brahmanical) religion, and also the fulfilling of the devotion of God: the fore-mentioned mode of worshipping the Supreme Being, therefore, is required of a householder possessed of moral 'principles' "<sup>5</sup> and the Veda declares, that the celestial gods, and householders of strong faith, and professional Yatis, are alike.

It is optional to those who have faith in God alone, to observe and attend to the rules and rites prescribed by the Veda applicable to the different classes of Hindus, and to their different religious orders respectively. But in case of the true believers neglecting those rites they are not liable to any blame whatever; as the Vedanta says, "Before acquiring the true knowledge of God, it is proper for man to attend to the laws and rules laid down by the Veda for different classes, according to their different profession; because the Veda declares, the performance of these rules to be the cause of the mind's purification, and its faith in God, and compares it with a saddle-horse, which helps a man to arrive at the wished-for goal."<sup>6</sup> And the Vedanta also says that, "Man may acquire the true knowledge of God even without observing the rules and rites prescribed by the Veda for each class of Hindus, as it is found in the Veda that many persons who had neglected the performance of the Brahmanical rites and ceremonies owing to their perpetual

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<sup>1</sup> 1st, 4th, 3rd.

<sup>2</sup> *Mundaka*.

<sup>3</sup> *Chhandogya*.

<sup>4</sup> The highest among the four sects of Brahmans, who, according to the religious order, are bound to forsake all worldly considerations, and to spend their time in the sole adoration of God.

<sup>5</sup> 28th, 4th, 3rd.

<sup>6</sup> 36th, 4th, 3rd.

attention to the adoration of the Supreme Being, acquired the true knowledge respecting the Deity."<sup>1</sup> The Vedanta again more clearly states that, "It is equally found in the Veda that some people, though they had their entire faith in God alone, yet performed, both the worship of God and the ceremonies prescribed by the Veda; and that some others neglected them, and merely worshipped God."<sup>2</sup> The following texts of the Veda fully explain the subject, *viz.*, "Janaka (one of the noted devotees) had performed *Yajna* (or the adoration of the celestial gods through fire) with the gift of a considerable sum of money, as a fee to the holy Brahmans, and many learned true believers never worshipped fire, nor any celestial god through fire."

Notwithstanding it is optional with those who have their faith in the only God, to attend to the prescribed ceremonies or to neglect them entirely; the Vedanta prefers the former to the latter, because the Veda says that attendance to the religious ceremonies conduces to the attainment of the Supreme Being.

Although the Veda says, "That he who has true faith in the omnipresent Supreme Being may eat all that exists."<sup>3</sup> *i.e.*, is not bound to enquire what is his food, or who prepares it, nevertheless the Vedanta limits that authority thus: "The above-mentioned authority of the Veda for eating all sorts of food should only be observed at the time of distress, because it is found in the Veda, that Chakrayana (a celebrated Brahman) ate the meat cooked by the elephant-keepers during a famine."<sup>4</sup> It is concluded, that he acted according to the above stated authority of the Veda only at the time of distress.

Devotion to the Supreme Being is not limited to any holy place or sacred country, as the Vedanta says, "In any place wherein the mind feels itself undisturbed, men should worship God; because no specific authority for the choice of any particular place of worship is found in the Veda"<sup>5</sup>, which declares, "In any place which renders the mind easy, man should adore God."

It is of no consequence to those who have true belief in God whether they die while the sun is in the north or south of the equator, as the Vedanta declares that, "Any one who has faith in the only God, dying even when the sun may be south

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<sup>1</sup> 36th, 4th, 3rd.

<sup>2</sup> 9th, 4th, 3rd.

<sup>3</sup> *Chhandogya*.

<sup>4</sup> 28th, 4th, 3rd.

<sup>5</sup> 11th, 1st, 4th.

of the equator,<sup>1</sup> his soul shall proceed from the body, through Sushumna (a vein which, as the Brahmans suppose, passes through the navel up to the brain), and approaches to the Supreme Being.”<sup>2</sup> The Veda also positively asserts that “He who in life was devoted to the Supreme Being, shall (after death) be absorbed in him, and again be neither liable to birth nor death, reduction nor augmentation.”

The Veda begins and concludes with the three peculiar and mysterious epithets of God, viz., first, *OM*; second *TAT*; third, *SAT*. The first of these signifies, “*That Being which preserves, destroys and creates.*” The second implies “*That only Being which is neither male nor female.*” The third announces: “*The true Being.*” These collective terms simply affirm, that *ONE UNKNOWN, TRUE BEING* is *THE CREATOR, PRESERVER, AND DESTROYER OF THE UNIVERSE!*

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<sup>1</sup> It is believed by the Brahmans, that any one who dies while the sun is south of the equator, cannot enjoy eternal beatitude.

<sup>2</sup> 20th, 2nd, 4th.

## The Gayatri

Thus says the illustrious Manu: "The three great immutable words (*Bhuh, Bhuvah, Swah*, or Earth, Space, Heaven)", preceded by the letter Om;<sup>1</sup> and also the "Gayatri, consisting of three measured lines, must be considered as the entrance to divine bliss."<sup>2</sup>

"Whoever shall repeat them day by day, for three years, without negligence, shall approach the most High God, become free as air, and *acquire after death* an ethereal essence."

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<sup>1</sup> Om, when considered as one letter uttered by the help of one articulation, is the symbol of the Supreme Spirit. It is derived from the radical *अव्* to preserve with the affix *मन्*, "One letter (Om) is the emblem of the most High"—*Manu*. II. 83. "This one letter, Om, is the emblem of the Supreme Being."—*Bhagavadgita*. It is true that this emblem conveys two sounds, that of *o* and of *m*, nevertheless it is held to be one letter in the above sense, and we meet with instances even in the ancient and modern languages of Europe that can justify such privileges, such as — (xi) and *W* (*Psi*) reckoned single letters in Greek and *Q, W, X*, in English and others. But when considered as a trilateral word consisting of *अ, उ, म*, Om implies, the three Vedas, the three states of human nature, the three divisions of the universe, and the three deities, Brahma, Vishnu and Siva, agents in the creation/preservation, and destruction of this world, or, properly speaking, the three principal attributes of the Supreme Being personified as Brahma, Vishnu and Siva. In this sense it implies, in fact, the universe controlled by the Supreme Spirit.

In all the Hindu treatises of philosophy (the *Puranas* or didactic parables excepted), the methodical collection or expansion of matter is understood by the term creation, the gradual or sudden perversion of order is intended by destruction, and the power which wards off the latter from the former is meant by preservation.

The reason the authors offer for this interpretation is, that they in common with others, are able to acquire a notion of a Superintending Power, though unfelt and invisible, solely through their observation of material phenomena; and that should they reject this medium of conviction, and force upon themselves a belief of the production of matter from nothing, and of its liability to entire annihilation, then nothing would remain in the ordinary course of reasoning to justify their maintaining any longer a notion of that unknown Supreme Superintending Power.

<sup>2</sup> The clause admits of another interpretation, *viz.*, "must be considered as the mouth, or *principal part* of the Vedas."

"From the three Vedas the most exalted Brahma successively milked out the three lines of this sacred text, beginning with the word *Tat* and entitled Savitri or Gayatri."

Yogi Yajnavalkya also declares, "By means of *Om Bhuh, Bhuvah, and Swah*; and the Gayatri, collectively, or each of the three singly, the most High God, the source of intellect, should be worshipped."

"So Brahma himself formerly defined *Bhuh, Bhuvah, Swah*, (Earth, Space, Heaven) as the body of the Supreme Intelligence; hence these *three words* are called the Defined."

(Those that maintain the doctrine of the Universe being the body of the Supreme Spirit, found their opinion upon the following considerations:

1st. That there are innumerable millions of bodies, properly speaking worlds, in the infinity of space.

2ndly. That they move, mutually preserving their regular intervals between each other, and that they maintain each other by producing effects primary or secondary, as the members of the body support each other.

3rdly. That those bodies, when viewed collectively, are considered one, in the same way as the member of an animal body or of a machine, taken together, constitute one whole.

4thly. Any material body whose members move methodically, and afford support to each other in a manner sufficient for their preservation, must be actuated either by an internal guiding power named the soul, or by an external one as impulse.

5thly. It is maintained that body is as infinite as space, because body is found to exist in space as far as our perceptions, with the naked eye or by the aid of instruments, enable us to penetrate.

6thly. If body be infinite as space, the power that guides its members must be internal, and therefore styled the SOUL, and not external, since there can be no existence even in thought without the idea of location.

Hence this sect suppose that the Supreme all-pervading power is the soul of the universe, both<sup>1</sup> existing from eternity to eternity; and that the former has somewhat the same influence over the universe as the individual soul has over the individual body.

They argue further, that in proportion as the internally impelled body is excellent in its construction, the directing soul must be considered excellent. Therefore, inasmuch as the universe is infinite in extent, and is arranged with infinite skill, the soul by which it is animated must be infinite in every perfection.

<sup>1</sup> The human soul and the Supreme Spirit—Ed.

He (Yajnavalkya) again expounds the meaning of the Gayatri in three passages:

"We, say the adorers of the Most High, meditate on the supreme and omnipresent internal spirit of this splendid Sun. We meditate on the same Supreme Spirit, earnestly sought for by such as dread further mortal birth; who residing in every body as the all-pervading soul and controller of the mind, constantly directs our intellect and intellectual operations towards the acquisition of virtue, wealth, physical enjoyment, and final beatitude."

So, at the end of the Gayatri, the utterance of the letter *Om* is commanded by the sacred passage cited by Guna-Vishnu: "A Brahman shall in every instance pronounce *Om*, at the beginning and at the end; for unless the letter *Om* precede, the desirable consequence will fail; and unless it follow, it will not be long retained."

That the letter *Om*, which is pronounced at the beginning and at the end of the Gayatri expressly signifies the Most High, is testified by the Veda; viz., "Thus through the help of *Om*, you contemplate the Supreme Spirit." (*Mundaka Upanishad*).

Manu also calls to mind the purport of the same passage: "And rites obtained in the Veda, such as oblation to fire and solemn offerings, pass away; but the letter *Om* is considered that which passes not away; since it is a symbol of the most High the Lord of created beings."

"By the sole repetition of *Om* and the Gayatri, a Brahman may indubitably attain beatitude. Let him perform or not perform any other religious rites, he being a friend to all creatures is styled a knower of God."

So Yogi Yajnavalkya says: "God is declared to be the object signified, and *Om* to be the term signifying: By means of a knowledge even of the letter *Om*, the symbol, God becomes propitious."

In the *Bhagavadgita*: "*Om*<sup>1</sup> (the cause), *Tat*<sup>2</sup> (that), *Sat*<sup>3</sup>

<sup>1</sup> "*Om*" implies the Being on whom all objects, either visible or invisible, depend in their formation, continuance, and change.

<sup>2</sup> "*Tat*" implies the Being that can be described only by the demonstrative pronoun "*that*", and not by any particular definition.

<sup>3</sup> "*Sat*" implies what "*truly exists*" in one condition independent of others. These three terms collectively imply, that the object contemplated through "*Om*" can be described only as "*that*" which "*is existing*".

The first term "*OM*" bears a striking similarity, both in sound and application, to the participle *ων* of the verb *Εἶναι to be*, in Greek; and it is

(existing) these are considered three kinds of description of the Supreme Being."

In the concluding part of the commentary on the Gayatri by the ancient Bhatta Guna-Vishnu, the meaning of the passage is briefly given by the same author.

"He the spirit who is thus described, guides us. He, as the Soul of the three mansions (*viz.*, earth, space and heaven), of water, light, moisture, and the individual soul of all moving and fixed objects, and of Brahma, Vishnu, Siva, the sun and other gods of various descriptions, the Most High God, illuminating, like a brilliant lamp, the seven mansions, having carried my individual soul, as spirit, to the seventh heaven, the mansion of the worshippers of God called the True mansion, the residence of Brahma, absorbs it (my soul), through his divine spirit, into his own divine essence. The worshipper, thus, contemplating, shall repeat the Gayatri."

Thus it is said by Raghunandan Bhattacharya, a modern expounder of law in the country of Gaur, when interpreting the passage beginning with "Pranava Vyahritibhyam<sup>1</sup>": "By means of pronouncing *Om* and *Bhuh*, *Bhuvah*, *Swah*<sup>2</sup>, and the *Gayatri*, all signifying the Most High, and reflecting on their meaning, the worship of God shall be performed and his grace enjoyed."

And also in the *Maha Nirvana Tantra*: "In like manner, among all texts the *Gayatri* is declared to be the most excellent: the worshipper shall repeat it when inwardly pure, reflecting on the meaning of it. If the *Gayatri* be repeated with *Om* and the *Vyahriti* (*viz.*, *Bhuh*, *Bhuvah*, *Swah*), it excels all other theistical knowledge, in producing immediate bliss. Whosoever repeats it in the morning or evening or during the night, while meditating on the Supreme Being, being freed from all past sins, shall not be inclined to act unrighteously. The worshipper shall first pronounce *Om*, then the three *Vyahritis*, and afterwards, the *Gayatri* of three lines, and shall finish it with the term *Om*. We meditate on him from whom proceed the continuance, perishing, and production of all things; who spreads over the three mansions; that eternal Spirit, who inwardly rules the sun and all living creatures; most desirable and all-pervading; and who, residing in intellect, directs the operations of the

therefore not very improbable that one might have had its origin from the other. As to the similarity in sound, it is too obvious to require illustration; and a reference to the Septuagint will shew that *ωω* like "OM" is allied to Jehova the ever existing God. Exodus. iii, 14.

<sup>1</sup> प्रणवव्याहृतिभ्याम्

<sup>2</sup> ओं भूः भुवः स्वः

intellectual power of all of us material beings. The worshipper, by repeating everyday these three texts expressing the above meaning, attains all desirable objects without any other religious observance or austerity. 'One only without a second' is the doctrine maintained by all the *Upanishads*: that imperishable and incomperishable Being is understood by these three texts. Whoever repeats them once or ten or a hundred times, either alone or with many others, attains bliss in a proportionate degree. After he has completed the repetition, he shall again meditate on Him who is one only without a second, and all-pervading: thereby all religious observances, though not performed, shall have been virtually performed. Any one, whether a householder or not, whether a Brahman or not, all have "equal right to the use of these texts as found in the Tantra."

Here *Om*, in the first instance, signifies that Supreme Being who is the sole cause of the continuance, perishing, and production of all worlds. "He from whom these creatures are produced, by whom those that are produced exist, and to whom after death they return, "is the Supreme Being, whom thou dost seek to know."—The text of the Veda quoted by the revered Sankara Acharya in the Commentary on the first text of the *Vedanta Darsana*.

The doubt whether or not that cause signified by "*Om*" exists separately from these effects, having arisen, the second text, *Bhuh, Bhuvah, Swah*, is next read, explaining that God, the sole cause, eternally exists pervading the universe, "Glorious, invisible, perfect, unbegotten, pervading all, internally and externally, is He the Supreme Spirit".—*Mundaka Upanishad*.

It being still doubted whether or not living creatures, large and small, in the world act independently or that sole cause, the Gayatri, as the third in order; is read. "*Tat Savitur varenyam, Bhargo devasya dhimahi, dhiyo yo nah prachodayat.*" We meditate on that indescribable spirit inwardly ruling the splendid Sun, the express object of worship. He does not only inwardly rule the sun, but he, the spirit, residing in and inwardly ruling all us material beings, directs mental operations towards their objects. "He who inwardly rules the sun is the same immortal spirit who inwardly rules thee."—*Chhandogya Upanishad*. "God resides in the heart of all creatures."—*Bhagavadgita*.

The object, signified by the three texts being one, their repetition collectively is enjoined. The following is their meaning in brief:

"We meditate on the cause of all, pervading all, and internally ruling all material objects, from the sun down to us and others,"



(The following is a literal translation of the Gayatri according to the English idiom: "We meditate on that Supreme Spirit of the splendid sun who directs our understandings.")

The passage, however, may be rendered somewhat differently by transferring the demonstrative "that" from the words "Supreme Spirit" to the words "splendid sun". But this does not appear fully to correspond with the above interpretation of Yajnavalkya).

\* \* \*

While translating this essay on the Gayatri, I deemed it proper to refer to the meaning of the text as given by Sir William Jones, whose talents, acquisitions, virtuous life, and impartial research, have rendered his memory an object of love and veneration to all. I feel so much delighted by the excellence of the translation, or rather the paraphrase, given by that illustrious character, that with a view to connect his name and his explanation of the passage with this humble treatise, I take the liberty of quoting it here.

The interpretation in question is as follows:

"THE GAYATRI, OR HOLIEST VERSE OF THE VEDAS."

"Let us adore the supremacy of that divine sun,<sup>1</sup> the god-head<sup>2</sup> who illuminates all, who recreates all, from whom all proceed, to whom all must return, whom we invoke to direct our understandings aright in our progress toward his holy seat."

\* \* \*

"What the sun and light are to this visible world, that are the *Supreme good and truth* to the intellectual and invisible universe; and, as our corporeal eyes have a distinct perception of objects enlightened by the sun, thus our souls acquire certain knowledge, by meditating on the light of truth, which emanates from the Being of beings: *that* is the light by which alone our minds can be directed in the path of beatitude."

<sup>1</sup> Opposed to the visible luminary

<sup>2</sup> *Bhargas*, a word consisting of three consonants, derived from *bha*, to shine; *ram*, to delight; *gam*, to move.

## The Universal Religion

The following Treatise, in the form of questions and answers, contains a brief account of the worship enjoined in the sacred writings, as due to that Being who is pure as well as eternal, and to whose existence Nature gives testimony; that the faithful may easily understand and become successful in the practice of this worship. The proof of each doctrine may be found, according to the figures, in the end of the work.

As this subject is almost always expounded, in the sacred writings, by means of questions and answers, that it may be more easily comprehended, a similar plan is adopted in this place also.

1. Question.—What is meant by worship?

Answer—Worship implies the act of one with a view to please another; but when applied to the Supreme Being, it signifies a contemplation of his attributes.

2. Q.—To whom is worship due?

A.—To the AUTHOR and Governor of the universe, which is incomprehensibly formed, and filled with an endless variety of men and things; in which, as shown by the zodiac, in a manner far more wonderful than the machinery of a watch, the sun, the moon, the planets and the stars perform their rapid courses; and which is fraught with animate and inanimate matter of various kinds, locomotive and immovable, of which there is not one particle but has its functions to perform.

3. Q.—What is he?

A.—We have already mentioned that he is to be worshipped, who is the Author and Governor of the universe; yet, neither the sacred writings nor logical argument, can define his nature.

4. Q.—Are there no means of defining him?

A.—It is repeatedly declared in the sacred writings, that he cannot be defined either by the intellect or by language. This appears from inference also; for, though the universe is visible, still no one can ascertain its form or extent. How then can we define the Being whom we designate as its Author and Governor?

5. Q.—Is any one, on sufficient grounds, opposed to this worship?

A.—To this worship no one can be opposed on sufficient grounds; for, as we all worship the Supreme Being, adoring him as the Author and Governor of the universe, it is impossible for any one to object to such worship; because each person considers the object whom he worships as the Author and Governor of the universe; therefore, in accordance with his own faith, he must acknowledge that this worship is his own. In the same manner, they, who consider Time or Nature, or any other Object, as the Governor of the universe, even they cannot be opposed to this worship, as bearing in mind the Author and Governor of the universe. And in China, in Tartary, in Europe, and in all other countries, where so many sects exist, all believe the object whom they adore to be the Author and Governor of the universe; consequently, they also must acknowledge, according to their own faith, that this our worship is their own.

6. Q.—In some places in the sacred writings it is written that the Supreme Being is imperceptible and unexpressible; and in others, that he is capable of being known, How can this be reconciled?

A.—Where it is written that he is imperceptible and undefinable, it is meant, that his likeness cannot be conceived; and where it is said that he is capable of being known, his mere existence is referred to, that is, that there is a God, as the indescribable creation and government of this universe clearly demonstrate: in the same manner, as by the action of a body, we ascertain the existence of a spirit therein called the sentient soul, but the form or likeness of that spirit which pervades every limb and guides the body, we know not.

7. Q.—Are you hostile to any other worship?

A.—Certainly not; for, he who worships, be it whomsoever or whatsoever it may, considers that object as the Supreme Being, or as an object containing him; consequently, what cause have we to be hostile to him?

8. Q.—If you worship the Supreme Being, and other persons offer their adoration to the same Divine Being, but in a different form; what then is the difference between them and you?

A.—We differ in two ways; first, they worship under various forms and in particular places, believing the object of their worship to be the Supreme Being; but we declare that he, who is the Author of the universe, is to be worshipped; besides this, we can determine no particular form or place. Secondly, we see that they who worship under any one particular form, are opposed to those who worship under another; but it is

impossible for worshippers of any denomination to be opposed to us; as we have shown in the answer to the 5th question.

9. Q.—In what manner is this worship to be performed?

A.—By bearing in mind that the Author and Governor of this visible universe is the Supreme Being, and comparing this idea with the sacred writings and with reason. In this worship it is indispensably necessary to use exertions to subdue the senses, and to read such passages as direct attention to the Supreme Spirit. Exertion to subdue the senses, signifies an endeavour to direct the will and the senses and the conduct in such a manner as not only to prevent our own or others' ill, but to secure our own and others' good; in fact, what is considered injurious to ourselves, should be avoided towards others. It is obvious that as we are so constituted, that without the help of sound we can conceive no idea; therefore, by means of the texts treating of the Supreme Being, we should contemplate him. The benefits which we continually receive from fire, from air and from the sun, likewise from the various productions of the earth, such as the different kinds of grain, drugs, fruits and vegetables, all are dependent on him: and by considering and reasoning on the terms expressive of such ideas, the meaning itself is firmly fixed in the mind. It is repeatedly said in the sacred writings, that theological knowledge is dependent upon truth; consequently, the attainment of truth will enable us to worship the Supreme Being, who is Truth itself.

10. Q.—According to this worship, what rule must we establish with regard to the regulation of our food, conduct, and other worldly matters?

A.—It is proper to regulate our food and conduct agreeably to the sacred writings; therefore, he who follows no prescribed form among all those that are promulgated, but regulates his food and conduct according to his own will, is called self-willed; and to act according to our own wish, is opposed both by the Scriptures and by reason. In the Scriptures it is frequently forbidden. Let us examine it by reason. Suppose each person should, in non-conformity with prescribed form, regulate his conduct according to his own desires, a speedy end must ensue to established societies; for to the self-willed, food, whether fit to be eaten or not, conduct proper or improper, desires lawful or unlawful, all are the same; he is guided by no rule: to him an action, performed according to the will, is faultless: but the will of all is not alike; consequently, in the fulfilment of our desires, where numerous opinions are mutually opposed, a quarrel is the most likely consequence; and the probable result of repeated quarrels is the destruction of

human beings. In fact, however, it is highly improper to spend our whole time in judging of the propriety and impropriety of certain foods, without reflecting on science or Divine truth; for be food of whatever kind it may, in a very short space of time it undergoes a change into what is considered exceedingly impure, and this impure matter is, in various places, productive of different kinds of grain; therefore, it is certainly far more preferable to adorn the mind than to think of purifying the belly.

11. Q.—In the performance of this worship, is any particular place, quarter, or time, necessary?

A.—A suitable place is certainly preferable, but it is not absolutely necessary; that is to say, in whatever place, towards whatever quarter, or at whatever time the mind is best at rest,—that place, that quarter, and that time is the most proper for the performance of this worship.

12. Q.—To whom is this worship fit to be taught?

A.—It may be taught to all, but effect being produced in each person according to his state of mental preparation, it will be proportionably successful.

### Sacred Authorities

सत् ॥ आदौ सच्छब्दप्रयोगो माङ्गलिकः तथा च भगवद्गीतायाम् । सद्भावे साधु-  
भावे च सदित्येतत् प्रयुज्यते । प्रशस्ते कर्मणि तथा सच्छब्दः पार्थ युज्यते ॥\*

1st उत्तरप्रमाणम् । आत्मेत्येवोपासीत । (बृहदारण्यकश्रुतिः ।) न स वेदेति विज्ञानं  
प्रस्तुत्य आत्मेत्येवोपासीतेत्यभिधानात् वेदोपासनशब्दयोरेकार्थताऽवगम्यते (भाष्यम् ।)  
आत्मानमेव लोकमुपासीत । (बृहदारण्यकश्रुतिः ।)

2nd उत्तरप्रमाणम् । जन्माद्यस्य यतः । (वेदान्तदर्शनस्य द्वितीयसूत्रम् ।) यतो वा  
इमानि भूतानि जायन्ते येन जातानि जीवन्ति यत् प्रयन्त्यभिसंविशन्ति तद्विजिज्ञासस्व  
तद्ब्रह्मेति । (तैत्तिरीयश्रुतिः ।) यः सर्वज्ञः सर्ववित् यस्य ज्ञानमयं तपः ।  
तस्मादेतद्ब्रह्मनामरूपमग्नञ्च जायते । (मुण्डकश्रुतिः ।) यत्तत् कारणमव्यक्तं नित्यसदसदा-  
त्मकम् । तद्विसृष्टः स पुरुषो लोके ब्रह्मेति कीर्त्यते ॥ (मनुवचनम् ।) यतो विश्वं समुद्-  
भूतं येन जातञ्च तिष्ठति । यस्मिन् सर्वाणि लीयन्ते तज्ज्ञेयं ब्रह्मलक्षणम् ॥ कालं कलयते  
काले मृत्योर्मृत्युर्भियो भयम् । वेदान्तवेद्यं चिद्रूपं यत्तच्छब्दोपलक्षितम् ॥ (महानिर्वाणतन्त्र-  
वचनम् ।) अस्य जगतो नामरूपाभ्यां व्याकृतस्यानेककर्तृभोक्तृसंयुक्तस्य प्रतिनियतदेशकाल-  
निमित्तक्रियाफलाश्रयस्य मनसाप्यचित्पञ्चरचनारूपस्य जन्मस्थितिमङ्गलं यतः सर्वज्ञात् सर्व-  
शक्तेः कारणाद्भवति तद् ब्रह्मेति वाक्यशेषः । (पूर्वोक्त वेदान्तसूत्रभाष्यम् ।)

\* The Bengali version of this treatise was named Anushthan and on the top of the first page of the same was printed the word सत् for which this explanation has been given and the authority cited.—Ed.

3rd उत्तरप्रमाणम् । यतो वाचो निवर्तन्ते अप्राप्य मनसा सह । (तैत्तिरीयश्रुतिः । यन्मनसा न मनुते येनाहुर्मनो मतम् । तदेव ब्रह्म त्वं विद्धि नेदं यदिदमुपासते । (केनश्रुतिः ।)

4th उत्तरप्रमाणम् । अर्थात् आदेशो नेति नेति । (बृहदारण्यकश्रुतिः ।) न तत्र चक्षुर्गच्छति न वाग्गच्छति न मनो न विप्रो न विजानीमो यथैतदनुशिष्यात् अन्यदेव तद्विदित्वाद्यो अविदितादपि । (केनश्रुतिः ।) इन्द्रियाणि पराण्याहुरिन्द्रियेभ्यः परं मनः । मनसस्तु पराबुद्धिर्बुद्धेर्यः परतस्तु सः (गीतास्मृतिः ।)

5th उत्तरप्रमाणम् । आत्माहोषां स भवति । एवंविद् सर्वेषां भूतानामात्मा भवति । (बृहदारण्यकश्रुतिः ।) नामरूपादिनिर्देशैर्विभिन्नानामुपासकाः । परस्परं विरुद्ध्यन्ति न तैरेतद्विरुध्यते ॥ (गोडपादाचार्यकारिका ।) विस्तारितमिदं प्रथमव्याख्याने ।

6th उत्तरप्रमाणम् । नैव वाचा न मनसा प्राप्तुं शक्यो न चक्षुषा । अस्तीति ब्रुवतोऽन्यत्र कथं तदुपलभ्यते ॥ अस्तीत्येवोपलब्धव्यस्तत्त्वभावेन चोभयोः । अस्तित्वेनोपलब्धस्य तत्त्वभावः प्रसीदति ॥ (कठश्रुतिः ।) नामरूपादि-निर्देश-विशेषण-विवर्जितः । अपक्षयविनाशाभ्यां परिणामात्तिजन्मभिः । वर्जितः शक्यते वक्तुं यः सदस्तीति केवलम् ॥ (विष्णुपुराणम् ।) द्वादशव्याख्याने विस्तरेणामिहितम् ।

7th उत्तरप्रमाणम् । तपांसि सर्वाणि च यद्वदन्ति । (कठश्रुतिः ।) ब्रह्मदृष्टि-रूत्कर्षात् । (वेदान्तसूत्रम् ।) ब्रह्मदृष्टिरादित्यादिषु स्यात् कस्मात् उत्कर्षात् एवमुत्कर्षेणादित्यादयो दृष्टा भवन्ति उत्कृष्टदृष्टिस्तेष्वध्यासात् । (तत् सूत्रमाध्यम् ।) येऽन्यन्यदेवता भक्ता यजन्ते श्रद्धयान्विताः । तेऽपि मामेव कौन्तेय यजन्त्यविविपूर्वकम् ॥ (गीतास्मृतिः ।)

8th उत्तरप्रमाणम् । यत्र नान्यत् पश्यति नान्यच्छृणोति नान्यद्विजानाति स भूमा अथ यत्रान्यत् पश्यति नान्यच्छृणोति अन्यद्विजानाति तदल्पम् । (छान्दोग्योपनिषत् ।) पंचमोत्तरोक्तप्रमाणमपि द्रष्टव्यम् ।

9th उत्तरप्रमाणम् । अथ परमेश्वरचिन्तनप्रकारः । ऊर्ध्वमूलोऽवाकशाख एषोऽश्वत्थः सनातनः । तदेव शुक्रं तद्ब्रह्म तदेवामृतमुच्यते ॥ (कठोपनिषत् ।) तस्मादृचः साम यजूषि दीक्षा यज्ञाश्च सर्वे क्रतवो दक्षिणाश्च । संवत्सरश्च यजमानश्च लोकाः सोमो यत्र पवते यत्र सूर्यः । तस्माच्च देवा बहुधा संप्रसूताः साध्या मनुष्याः पशवो वयांसि । प्राणापाणौ व्रीहियवौ तपश्च श्रद्धा सत्यं ब्रह्मचर्यं विधिश्च । अतः समुद्रा गिरयश्च सर्वे तस्मात् स्यन्दन्ते सिन्धवः सर्वरूपाः । अतश्च सर्वा ओषधयो रसश्च येनैष भूतैस्तिष्ठते ह्यन्तरात्मा ॥ (इति मुण्डकोपनिषत् ।) ज्ञानेनैवापरे विप्रा यजन्त्येतैर्मखैः सदा । ज्ञानमूलां क्रियामेषां पश्यन्तो ज्ञानचक्षुषा ॥ (चतुर्थीध्याये मनुवचनम्) भयादस्याग्निस्तपति भयात्तपति सूर्यः । भयादिन्द्रश्च वायुश्च मृत्युर्धावति पञ्चमः । (इति मुण्डकोपनिषत् ।) एतद्गुपासनाया अन्तरङ्गसाधनप्रकारः । यथोक्तान्यपि कर्माणि परिहाय द्विजोत्तमः । आत्मज्ञाने शमे च स्याद्वेदाम्यासे च यत्नवान् ॥ (द्वादशाध्याये मनुवचनम् ।) यथैवात्मा परस्तद्ब्रह्मदृष्टव्यः शुभमिच्छता । सुखदुःखानि तुल्यानि यथात्मनि तथा परे ॥ इति स्मार्तधृत-दक्षवचनं सर्वव्यवहारनिदानम् । सत्यमायतनम् (केनश्रुतिः ।) द्वितीयचतुर्थषष्ठ्याख्यानेषु लिखितान्यपि द्रष्टव्यानि ।

10th उत्तरप्रमाणम् । शास्त्रमेव क्रियानियामकं यथा चातुर्वर्ण्यं त्रयो लोकाश्चत्वार आश्रमाः पृथक् । भूतं भव्यं भविष्यञ्च सर्ववेदात् प्रसिध्यति ॥ (६७) सेनापत्यञ्च राज्यञ्च दण्डनेतृत्वमेव च । सर्वलोकाधिपत्यञ्च वेदशास्त्रविदहति ॥ (१००) (मनुस्मृती

द्वादशाध्याये ।)

दशमोक्तरोक्त-स्वेच्छाचार-निन्दाश्रवणम् ।

क्रियाहीनस्य मूर्खस्य महारोगिण एव च । यथेष्टाचरणस्याहूर्मरणान्तमशौचकम् ॥ उदरपवित्रतापेक्षया मनःशुद्धौ यत्न आवश्यकः । तथाहि तन्त्रे । मले परिणते शस्यं शस्ये परिणते मलम् । द्रव्यशुद्धिः कथं देवि मनःशुद्धि समाचरेत् ॥

11th उत्तरप्रमाणम् । शुचिदेशादेः प्राशस्त्ये । कुटुम्बे शुची देशे स्वाध्यायमधीयानो धार्मिकान्, विदधदित्यादि (छान्दोग्यश्रुतिः ।)

शुचिदेशादिनामत्यन्तनियमस्याभावः । यथा ।

यत्रैकाग्रता तत्राविशेषात् (वेदान्तदर्शनसूत्रम्) 4।1।1। यत्रैवास्य दिने काले वा मनसः सोकर्येणैकाग्रता भवति तत्रैवोपासीत प्राची दिक् पूर्वाह्ण प्राचीप्रवणादिवत् विशेषाश्रवणात् भाष्यम् ।

12th उत्तरप्रमाणम् । प्रजापतेः सकाशादिन्द्रविरोचनाभ्यां प्राप्तेऽपि तुल्योपदेशे असुरस्वभावाद्विरोचनस्तदुपदेशफलं न लेभे । तथाहि स हि शान्तहृदय एवं विरोचनोऽसुरान् जगाम तेभ्यो ह्येतामुपनिषदं प्रोवाच आत्मेवेहमय्य आत्मा परिचर्य्य आत्मानमेवेह्यहयन् आत्मानं परिचरयन् उभौ लोकाववाप्नोति इमञ्चामुञ्चेति । (छान्दोग्योपनिषत् ।)

इन्द्रस्तु क्रमसाधनेन कृतार्थोऽभवत् यथा ।

अश्व इव रोमाणि विधूय पाप चन्द्र इव राहोर्मुखात् प्रमुच्य घृत्वा शरीरं सकृत् कृतात्मा इत्यादि (छान्दोग्योपनिषत् ।)

अनुष्ठानं सम्पूर्णम् । शकाब्दाः 1751

## **Speeches and Letters**





## **Speech at the meeting of the Unitarian Association held in London in his honour**

I am too unwell and too much exhausted to take any active part in this meeting; but I am much indebted to Dr. Kirkland and Dr. Bowring for the honour they have conferred on me by calling me their fellow-labourer, and to you for admitting me to this Society as a brother, and one of your fellow-labourers. I am not sensible that I have done anything to deserve being called a promotor of this cause; but with respect to your faith I may observe, that I too believe in the one God, and that I believe in almost all the doctrines that you do: but I do this for my own salvation and for my own peace. For the objects of your Society I must confess that I have done very little to entitle me to your gratitude or such admiration of my conduct. What have I done?—I do not know what I have done!—If I have ever rendered you any services they must be very trifling—very trifling I am sure. I laboured under many disadvantages. In the first instance, the Hindoos and the Brahmins, to whom I am related, are all hostile to the cause; and even many Christians there are more hostile to our common cause than the Hindus and the Brahmins. I have honour for the appellation of Christians; but they always tried to throw difficulties and obstacles in the way of the principles of Unitarian Christianity. I have found some of these here; but more there. They abhor the notion of simple precepts. They always lay a stress on mystery and mystical points, which serve to delude their followers; and the consequence is, that we meet with such opposition in India that our progress is very slight; and I feel ashamed on my side that I have not made any progress that might have placed me on a footing with my fellow-labourers in this part of the globe. However, if this is the true system of Christianity, it will prevail, notwithstanding all the opposition that may be made to it. Scripture seconds your system of religion, common sense is also on your side;—while power and prejudice are on the side of your opponents. There is a battle going on between reason, scripture and common sense; and wealth, power and prejudice. These three have been struggling with the other three; but I am convinced that your success, sooner or later, is certain. I feel over-exhausted, and therefore conclude with an

expression of my heartfelt thanks for the honour that from time to time you have conferred on me, and which I shall never forget to the last moment of my existence.<sup>1</sup>

<sup>1</sup> This speech is taken from the *Last Days in England of Raja Rammohun Roy* by Miss Carpenter. A full report of the proceedings of the meeting is to be found in the *Monthly Repository* of June 1831, (Vol. V.N.S. pp. 417-420)—Ed.

**Extract from a letter addressed to a gentleman of Baltimore, dated Calcutta, October 27, 1822**

I have now every reason to hope, that the truths of Christianity will not be much longer kept under the veil of heathen doctrines and practices, gradually introduced among the followers of Christ since many lovers of truth are zealously engaged in rendering the religion of Jesus clear from corruptions.

I admire the zeal of the Missionaries sent to this country, but disapprove of the means they have adopted. In the performance of their duty, they always begin with such obscure doctrines as are calculated to excite ridicule instead of respect towards the religion which they wish to promulgate. The accompanying pamphlets, called 'The Brahmunical Magazine', and published by a Brahmun, are a proof of my assertion. The last number of this publication has remained unanswered for twelve months.

If a body of men attempt to upset a system of doctrines generally established in a country, and to introduce another system, they are, in my humble opinion, in duty bound to prove the truth, or, at least, the superiority of their own.

It is, however, a great satisfaction to my conscience to find that the doctrine inculcated by Jesus and his apostles, are quite different from those human inventions, which the Missionaries are persuaded to profess, and entirely consistent with reason, and the revelation delivered by Moses and the prophets. I am, therefore, anxious to support them, even at the risk of my own life. I rely much on the force of truth which will, I am sure, ultimately prevail. Our number is comparatively small, but I am glad to inform you, that none of them can be justly charged with the want of zeal and prudence.

I wish to add, in order that you may set me right, if you find me mistaken, my view of Christianity is, that in representing all mankind as the children of one eternal father, it enjoins them to love one another, without making any distinction of country, caste, colour or creed; notwithstanding they may be justified in the sight of the Creator in manifesting their respect towards each other, according to the property of their actions, and the reasonableness of their religious opinions and observance.

I shall lose no time in sending you my Final Appeal to the Christian Public, as soon as it is printed.

**Letter to Mr. James Silk Buckingham**

My dear Sir,—A disagreeable circumstance will oblige me to be out the whole of this afternoon, and as I shall probably on my return home feel so much fatigued as to be unfit for your company, I am afraid I must be under the necessity of denying myself the pleasure of your society this evening; more especially as my mind is depressed by the late news from Europe. I would force myself to wait on you tonight, as I proposed to do, were I not convinced of your willingness to make allowance for unexpected circumstances.

From the late unhappy news, I am obliged to conclude that I shall not live to see liberty universally restored to the nations of Europe, and Asiatic nations, especially those that are European colonies, possessed of a greater degree of the same blessing than what they now enjoy.

Under these circumstances I consider the cause of the Neapolitans as my own, and their enemies as ours. Enemies to liberty and friends of despotism have never been and never will be ultimately successful.

Adieu, and believe me,  
Yours very sincerely,  
Rammohun Roy

August 11th, 1821<sup>1</sup>

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<sup>1</sup> Addressed to James Silk Buckingham when at Calcutta.

**Letter to Mrs. Woodford<sup>1</sup>, of Brighton**

24, Bedford Square,  
April 27th, 1832

My dear Madam,—I now have the pleasure of begging your acceptance of the accompanying copy of my remarks on India, and of another copy of a pamphlet on the abolition of the practice of burning Hindu widows alive. You will, I am sure, be highly gratified to learn that the present Governor-General of India has sufficient moral courage to afford them protection against their selfish relations, who cruelly used to take advantage of their tender feelings in the name and under the cloak of religion. It must have afforded Mr. Woodford and yourself much gratification to learn, by the first conveyance, the division on the second reading of the Reform Bill. The struggles are not merely between the reformers and anti-reformers but between liberty and tyranny throughout the world, between justice and injustice, and between right and wrong. But from a reflection on the past events of history, we clearly perceive that liberal principles in politics and religion have been long gradually, but steadily, gaining ground, notwithstanding the opposition and obstinacy of despots and bigots. I am still unable to determine the period of my departure from London, and my visits to you in the country. I may perhaps do myself that pleasure.

Rammohun Roy

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<sup>1</sup> Rammohun Roy began his career with the East India Company as Dewan under Mr. Thomas Woodford, then a Collector.

**Letter to William Rathbone<sup>1</sup> Esq.**

48, Bedford Square, London  
July 31st, 1832

My dear Sir,—I am *no* happy to find myself fully justified in congratulating you and my other friends at Liverpool on the *complete* success of the Reform Bills, notwithstanding the violent opposition and want of political principle on the part of the aristocrats. The nation can no longer be a prey of the few who used to fill their purses at the expense, nay, to the ruin of the people for a period of upwards of fifty years. The Ministers have honestly and firmly discharged their duty, and provided the people with means of securing their rights. I hope and pray that the people, the mighty people of England, may now in like manner do theirs, cherishing public spirit and liberal principles, at the same time banishing bribery, corruption and selfish interests, from public proceedings.

As I publicly avowed that in the event of the Reform Bill being defeated I would renounce my connection with this country, I refrained from writing to you or any other friend in Liverpool until I knew the result. Thank heaven I can now feel proud of being one of your fellow-subjects, and heartily rejoice that I have had the infinite happiness of witnessing the salvation of the nation, nay of the whole world.

Pray, remember me kindly to Mr. Cropper and Mr. Benson, and present my best respects to Mrs. Rathbone and love to the children; believe me.

My dear Sir,  
Yours very sincerely,  
Rammohun Roy

P.S. If the German philosopher is still at Liverpool, be good enough to remember me kindly to him, and inform him that we have succeeded in the reform question without having recourse to the principles of phrenology.

R.M.R,

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<sup>1</sup> A friend of Rammohun Roy

**Letter to Mr. John Digby<sup>1</sup>, England**

"I take this opportunity of giving you a summary account of my proceedings since the period of your departure from India.

"The consequence of my long and uninterrupted researches into religious truth has been that I have found the doctrines of Christ more conducive to moral principles, and better adapted for the use of rational beings, than any others which have come to my knowledge; and have also found Hindus in general more superstitious and miserable, both in performance of their religious rites, and in their domestic concerns, than the rest of the known nations on the earth. I, therefore, with a view of making them happy and comfortable, both here and hereafter, not only employed verbal arguments against the absurdities of the idolatry practised by them but also translated their most revered theological work, namely, Vedant, into Bengali and Hindustani and also several chapters of the Ved, in order to convince them that the unity of God, and absurdity of idolatry are evidently pointed out by their own scriptures. I, however, in the beginning of my pursuits met with the greatest opposition from their self-interested leaders, the Brahmins, and was deserted by my nearest relations; I consequently felt extremely melancholy; in that critical situation, the only comfort that I had was the consoling and rational conversation of my European friends, especially those of Scotland and England.

"I now, with the greatest pleasure, inform you that several of my countrymen have risen superior to their prejudices; many are inclined to seek for the truth; and a great number of those who dissented from me have now coincided with me in opinion. This engagement has prevented me from proceeding to Europe as soon as I could wish; but you may depend upon my setting off for England within a short period of time; and if you do not return to India before October next, you will most probably receive a letter from me informing you of the exact time of my departure for England, and of the name of the vessel on which I shall embark."

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<sup>1</sup> Rammohun Roy met Mr. John Digby first in 1801 at the Fort William College, Calcutta, which was started to teach Oriental language to East India Company officials. Their subsequent association for several years was to exert a profound influence on his life and work.

Rammohun worked as Munshi under John Digby from 1805-14 and he later gave him every opportunity to study English and the political and economic developments of Europe and America,



**(Extract from a letter to Mr. Digby, dated January 18, 1828)**

I agree with you that in point of vices the Hindus are not worse than the generality of Christians in Europe and America; but I regret to say that the present system of religion adhered to by the Hindus is not well calculated to promote their political interest. The distinction of castes introducing innumerable divisions and sub-divisions among them has entirely deprived them of patriotic feeling, and the multitude of religious rites and ceremonies and the laws of purification have totally disqualified them from undertaking any difficult enterprise. . . . It is, I think, necessary that some change should take place in their religion, at least for the sake of their political advantage and social comfort. I fully agree with you that there is nothing so sublime as the precepts taught by Christ, and that there is nothing equal to the simple doctrines he inculcated. . . .

**Extract from a letter to J. Crawford<sup>1</sup>, dated August 18, 1828**

In his famous Jury Bill, Mr. Wynn, the late President of the Board of Control, has by introducing religious distinctions into the judicial system of this country, not only afforded just grounds for dissatisfaction among the Natives in general, but has excited much alarm in the breast of everyone conversant with political principles. Any Natives, either Hindu or Mohamadan, are rendered by this Bill subject to judicial trial by Christians, either European or Native, while Christians, including Native Converts are exempted from the degradation being tried either by a Hindu or Mussulman juror, however high he may stand in the estimation of Society. This Bill also denies both to Hindus and Mussulmans the honour of a seat in the Grand Jury even in the trial of fellow Hindus or Mussulmans. This is the sum total of Mr. Wynn's late Jury Bill, of which we bitterly complain.

Supposing that some 100 years hence the Native character becomes elevated from constant intercourse with Europeans and the acquirements of general and political knowledge as well as of modern arts and sciences, is it possible that they will not have the spirit as well as the inclination to resist effectually any unjust and oppressive measures serving to degrade them in the scale of society? It should not be lost sight of that the position of India is very different from that of Ireland to any quarter of which an English fleet may suddenly convey a body of troops that may force its way in the requisite direction and succeed in suppressing every effort of a refractory spirit. Were India to share one fourth of the knowledge and energy of that country, she would prove from her remote situation, her riches and her vast population, either useful and profitable as a willing province, an ally of the British Empire, or troublesome and annoying as a determined enemy.

In common with those who seem partial to the British rule from the expectation of future benefits, arising out of the connection, I necessarily feel extremely grieved in often witnessing Acts and Regulations passed by Government without consulting or seeming to understand the feelings of its Indian subjects and without considering that this people have had for

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<sup>1</sup> The salt monopoly of East India Company was causing much hardship to the poor. Even progressive Britishers felt that gross injustice was being done to the native consumers. Gradually an agitation was started against this monopoly by Mr. J. Crawford, among others.

more than half a century the advantage of being ruled by and associated with an enlightened nation, advocates of liberty and promoters of knowledge.

**Letter to Rt. Hon. Charles Williams Wynn<sup>1</sup>**

Rajah Rammohun Roy presents his compliments to the Right Honourable Charles Williams Wynn and finding by the interview in the House of Lords on Friday evening that he is not out of Mr. Wynn's remembrance, R. R. begs leave to revert to a remark made by Mr. Wynn at the Dinner of the Royal Asiatic Society last year, at which R.R. had first the honour of meeting him—namely—that of “R. R. being as much a British subject as any gentleman present”; or words to that effect.

From the high opinion R. R. entertains of Mr. Wynn's constitutional bearing he feels a wish to know from him, confidentially, whether in Mr. Wynn's opinion R. R. is eligible to sit in Parliament. He begs to add that it is not from any ambition to assume so arduous an office but from a desire to pave the way for his countrymen, for which object R. R. might, for a few months, undertake the task. R. R. therefore hopes that Mr. Wynn will excuse this freedom; and should he feel himself perfectly at liberty to express an opinion on the subject he will confer on R. R. a high obligation.

48, Bedford Square,  
April 16th, 1832

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<sup>1</sup> At one time President of the Board of Control of the East India Company.

**Letter to His Excellency the Right Hon<sup>ble</sup> William Pitt,  
Lord Amherst<sup>1</sup>**

My Lord,

Humbly reluctant as the natives of India are to obtrude upon the notice of Government the sentiments they entertain on any public measure, there are circumstances when silence would be carrying this respectful feeling to culpable excess. The present Rulers of India, coming from a distance of many thousand miles to govern a people whose language, literature, manners, customs, and ideas are almost entirely new and strange to them, cannot easily become so intimately acquainted with their real circumstances, as the natives of the country are themselves. We would therefore be guilty of a gross dereliction of duty to ourselves, and afford our Rulers just ground of complaint at our apathy, did we omit on occasions of importance like the present to supply them with such accurate information as might enable them to devise and adopt measures calculated to be beneficial to the country, and thus second by our local knowledge and experience their declared benevolent intentions for its improvement.

The establishment of a new Sangscrit School in Calcutta evinces the laudable desire of Government to improve the Natives of India by Education, a blessing for which they must ever be grateful; and every well wisher of the human race must be desirous that the efforts made to promote it should be guided by the most enlightened principles, so that the stream of intelligence may flow into the most useful channels.

When this Seminary of learning was proposed, we understood that the Government in England had ordered a considerable sum of money to be annually devoted to the instruction of its Indian Subjects. We were filled with sanguine hopes that this sum would be laid out in employing European Gentlemen of talents and education to instruct the natives of India in Mathematics, Natural Philosophy, Chemistry, Anatomy and other useful Sciences, which the Nations of Europe have carried to a degree of perfection that has raised them above the inhabitants of other parts of the world.

While we looked forward with pleasing hope to the dawn of knowledge thus promised to the rising generation, our hearts were filled with mingled feeling of delight and gratitude; we already offered up thanks to Providence for inspiring the most generous and enlightened of the Nations of the West with the

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<sup>1</sup> Former Governor-General of India

glorious ambitions of planting in Asia the Arts and Sciences of modern Europe.

We now find that the Government are establishing a Sangsrit school under Hindu Pundits to impart such knowledge as is already current in India. This seminary (similar in character to those which existed in Europe before the time of Lord Bacon) can only be expected to load the minds of youth with grammatical niceties and metaphysical distinctions of little or no practicable use to the possessors or to society. The pupils will there acquire what was known two thousand years ago, with the addition of vain and empty subtleties since produced by speculative men, such as is already commonly taught in all parts of India.

The Sangsrit language, so difficult that almost a lifetime is necessary for its perfect acquisition, is well known to have been for ages a lamentable check on the diffusion of knowledge; and the learning concealed under this almost impervious veil is far from sufficient to reward the labour of acquiring it. But if it were thought necessary to perpetuate this language for the sake of the portion of the valuable information it contains, this might be much more easily accomplished by other means than the establishment of a new Sangsrit College; for there have been always and are now numerous professors of Sangsrit in the different parts of the country engaged in teaching this language as well as the other branches of literature, which are to be the object of new Seminary. Therefore their more diligent cultivation, if desirable, would be effectually promoted by holding out premiums and granting certain allowances to those most eminent Professors, who have already undertaken on their own account to teach them and would by such rewards be stimulated to still greater exertions.

From these considerations, as the sum set apart for the instruction of the Natives of India was intended by the Government in England, for the improvement of its Indian subjects, I beg leave to state, with due deference to your Lordship's exalted situation, that if the plan now adopted be followed, it will completely defeat the object proposed; since no improvement can be expected from inducing young men to consume a dozen of years of the most valuable period of their lives in acquiring the niceties of the Byakurun or Sangsrit Grammar. For instance, in learning to discuss such points as the following: *Khad* signifying to eat, *Khaduti*, he or she or it eats. Query, whether does the word *Khaduti* taken as a whole, convey the meaning he, she, or it eats or are separate parts of this meaning conveyed by distinct portions of the word? As

if in the English language, it were asked, how much meaning is there in the *eat*, how much in the *S*? and is the whole meaning of the word conveyed by those two portions of it distinctly, or by them taken jointly?

Neither can such improvement arise from such speculations as the following, which are the themes suggested by the Vedant: In what manner is the soul absorbed into the deity? What relation does it bear to the divine essence? Nor will youths fitted to be better members of society by the Vedantic doctrines which teach them to believe that all visible things have no real existence; that as father, brother, etc. have no actual entirety, they consequently deserve no real affection and therefore the sooner we escape from them and leave the world the better. Again no essential benefit can be derived by the student of the *Mee-mangsa* from knowing what it is that makes the killer of a goat sinless on pronouncing certain passages of the Veds and what is the real nature and operative influence of passages of Ved, etc.

Again the student of Nyaya Shastra cannot be said to have improved his mind after he has learned it into how many ideal classes the objects in the Universe are divided, and what speculative relation the soul bears to the body, the body to the soul, the eye to the ear, etc.

In order to enable your Lordship to appreciate the utility of encouraging such imaginary learning as above characterised, I beg your Lordship will be pleased to compare the state of Science and literature in Europe before the time of Lord Bacon with the progress of knowledge made since he wrote.

If it had been intended to keep the British nation in ignorance of real knowledge, the Baconian philosophy would not have been allowed to displace the system of the schoolmen, which was the best calculated to perpetuate ignorance. In the same manner the Sangsrit system of education would be best calculated to keep this country in darkness if such had been the policy of the British Legislature. But as the improvement of the native population is the object of the Government, it will consequently promote a more liberal and enlightened system of instruction, embracing mathematics, natural philosophy, chemistry and anatomy with other useful sciences which may be accomplished with the sum proposed by employing a few gentlemen of talents and learning educated in Europe, and providing a college furnished with the necessary books, instruments and other apparatus.

In representing this subject to your Lordship I conceive myself discharging a solemn duty which I owe to my countrymen and also to that enlightened Sovereign and Legislature which

have extended their benevolent cares to this distant land actuated by a desire to improve its inhabitants and I therefore humbly trust you will excuse the liberty I have taken in this expressing my sentiments to your Lordship.

I have, etc.  
Rammohun Roy

Calcutta,  
The 11th December, 1823



**Letter to Lord Minto**

To  
The Right Honourable Lord Minto, Governor-General, etc.  
etc. The humble petition of Ram Mohun Roy

**MOST HUMBLY SHOWETH:**

That your petitioner, in common with all the native subjects of the British Government, looks up to your Lordship as the guardian of the just rights and dignities of that class of your subjects against all acts which have a tendency either directly or indirectly to invade those rights and dignities, and your petitioner more especially appeals to your Lordship as, from the nature of the treatment, however degrading, which he has experienced and from the nature of the existing circumstances with reference to the rank and destination of the gentleman from whom it proceeded, your petitioner is precluded from any other means of obtaining redress.

Confiding therefore in the impartial justice of the British Government and in the acknowledged wisdom which governs and directs all its measures in the just spirit of an enlarged and liberal policy, your petitioner proceeds with diffidence and humility to lay before your Lordship, the following circumstances of severe degradation and injury, which he has experienced at the hands of Sir Frederick Hamilton.

On the 1st of January last, your petitioner arrived at the Ghaut of the river of Bhaugulpur, and hired a house in that town. Proceeding to that house at about 4 o'clock in the afternoon, your petitioner passed in his palanquin through a road on the left side of which Sir Frederick Hamilton was standing among some bricks. The door of the palanquin being shut to exclude the dust of the road, your petitioner did not see that gentleman nor did the peon who preceded the palanquin, apprise your petitioner of the circumstance, he not knowing the gentleman, much less supposing that, that gentleman (who was standing alone among the bricks), was the Collector of the district. As your petitioner was passing, Sir Frederick Hamilton repeatedly called out to him to get out of his palanquin, and that with an epithet of abuse too gross to admit of being stated here without a departure from the respect due to your Lordship. One of the servants of your petitioner who followed in the retinue, explained to Sir Frederick Hamilton, that your petitioner had not observed him in passing by; nevertheless that gentleman still continued to use the same offensive language, and when the palanquin had proceeded to

the distance of about 300 yards from the spot where Sir Frederick Hamilton had stood, that gentleman overtook it on horseback. Your petitioner then for the first time understood that the gentleman who was riding alongside of his palanquin, was the Collector of the district, and that he was required a form of external respect, which, to whatever extent it might have been enforced under the Mogul Government, your petitioner had conceived from daily observation, to have fallen under the milder, more enlightened and more liberal policy of the British Government, into entire disuse and disesteem. Your petitioner then, far from wishing to withhold any manifestation of the respect due to the public officers of a Government which he held in the highest veneration, and notwithstanding the novelty of the form in which that respect was required to be testified, alighted from his palanquin, and saluted Sir Frederick Hamilton, apologizing to him for the omission of that act of public respect on the grounds that in point of fact your petitioner did not see him before, on account of the doors of his palanquin being nearly closed. Your petitioner stated however at the same time that even if the doors had been open your petitioner would not have known him, nor would have supposed him to be the Collector of the district. Upon this, Sir Frederick asked your petitioner how the servant of the latter came to explain to him already, with your petitioner's salam, the reason of your petitioner's not having alighted from his palanquin. Your petitioner's servants stated in reply to the observations of Sir Frederick Hamilton that, he had not been desired by your petitioner had gone on and knowing that the doors of the palanquin were almost shut, he had explained the circumstance to Sir Frederick Hamilton in the hope of inducing that gentleman to discontinue his abusive language, but that he the servant had not expressed your petitioner's salam as he had no communication with your petitioner on the subject; Sir Frederick Hamilton then desired your petitioner to discharge the servant from his service and went away. In the course of that conversation, calculated by concession and apology to pacify the temper of Sir Frederick Hamilton, that gentleman still did not abstain from harsh and indecorous language. The intelligence of your petitioner's having been thus disgraced, has been spread over the town and your Lordship's humane and enlightened mind will easily conceive, what must be the sensations of any native gentleman under a public indignity and disgrace, which as being inflicted by an English gentleman, and that gentleman an officer of Government, he is precluded from resenting, however strong the conviction of his

own mind that such ill-treatment he has unmerited, wanton and capricious. If natives, therefore, of caste and rank were to be subjected to treatment which must infallibly dishonour and degrade them, not only within the pale of their own religion and society, but also within the circle of English Societies of high respectability into which they have the honour of being most liberally and affably admitted, they would be virtually condemned to close confinements within their house from the dread of being assaulted in the streets with every species of ignominy and degradation. Your petitioner is aware that the spirit of the British laws would not tolerate an act of arbitrary aggression, even against the lowest class of individuals, but much less would it continue an unjust degradation of persons of respectability, whether that respectability be derived from the society in which they move or from birth, fortune, or education; that your petitioner has some pretensions to urge on this point, the following circumstances will shew:

Your petitioner's grandfather was at various times, chief of different districts during the administration of His Highness the Nawab Mohabut Jung, and your petitioner's father for several years, rented a farm from Government the revenue of which was lakhs of rupees. The education which your petitioner has received, as well as the particulars of his birth and parentage, will be made known to your Lordship by a reference to the principal officers of the Sudder Dewani Adawlat and the college of Fort William, and many of the gentleman in the service of the Hon'ble Company, as well as other gentlemen of respect, ability and character. Your petitioner throwing himself, his character and the honour of his family on the impartial justice, liberality and feeling of your Lordship, entertains the most confident expectation that your Lordship will be pleased to afford to your petitioner every just degree of satisfaction for the injury which his character has sustained, from the hasty and indecorous conduct of Sir Frederick Hamilton, by taking such notice of that conduct, as it may appear to your Lordship to merit.

And your petitioner in duty bound shall ever pray.

12th April, 1809

**Letter to Sir John Bowring<sup>1</sup>**

My dear Sir,

Having been principally engaged in completing my final appeal to the Christian public, I could not pay due attention to my intended long memorial. I, however, made an attempt to bring it to a conclusion after I had the pleasure of receiving your note on Saturday last week, but from the want of some additional Revenue documents under the Moghul Government which my native friends of the upper provinces have not yet furnished me with, as well as from a diversion of attention, I am afraid, I shall not be able to prepare it before your departure from India, as this will be my first production in political affairs, I am, therefore, very anxious to have it as perfect and well authenticated as possible, so that having established it on a same foundation, no person can justly ascribe it to a party feeling or discontent with Government.

As Lord Hastings is going away very soon, I understood that some of my native friends are about to represent to him some of their immediate grievances in a memorial; of which I take the liberty of sending you a copy and I beg to be favoured with your opinion respecting it.

The report of the Duke of Wellington coming out as Governor-General has given me great concern. He knows, I believe, how to preserve military discipline and general subordination; but I have great doubts as to his knowledge of civil affairs. India enjoys now profound tranquillity and stands more in need of an able statesman than a great commander.

I feel a strong wish to have the pleasure of your company at least once before your departure for Europe and if you will have the goodness to appoint time convenient to you to spend an hour or two, you will confer a favour on.

My dear Sir,  
Yours very sincerely,  
Rammohun Roy

September 15, 1822

P.S. I hope you will not at present mention to any one the purport of the memorial, which is not yet presented to L.H.

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<sup>1</sup> Sir John Bowring, the biographer of Jeremy Bentham, moved a resolution of welcome to Rammohun Roy at the first reception given to the latter by the British Utilitarian Association in London.

**Letter to Governor-General, dated January 8, 1830**

I beg leave to submit to your Lordship that some months ago I was informed by His Majesty Abu-nasar Muin-ud-din Muhammad Akbar Badshah that His Majesty had apprized your Lordship of my appointment as his *Elichi* (envoy) to the Court of Great Britain, and of his having been pleased to invest me as His Majesty's servant with the title of *Rajah* in consideration of the respectability attached to that situation, etc. Not being anxious for titular distinction, I have hitherto refrained from availing myself of the honour conferred on me by His Majesty.

His Majesty, however, being of opinion that it is essentially necessary for the dignity of his Royal House, that I, as the representative thereof to the most powerful Monarch in Europe, and Agent for the settlement of His Majesty's affairs with the Hon'ble East India Company, should be invested with the title above-mentioned, has graciously forwarded to me a seal engraved for the purpose at Delhi. I, therefore, take the liberty of laying the subject before your Lordship, hoping that you will be pleased to sanction my adoption of such title accordingly. This measure will, I believe, be found to be consistent with former usage as established by a resolution of Government on the subject in 1827 when at the recommendation of the then Resident Sir Charles Metcalfe in his report of 26th June of that year, His Majesty's power of conferring honorary titles on his own servants was fully recognised.

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**Letter to Governor-General, written perhaps in September, 1830**

From the kindness I have so often experienced from your Lordship, I trust to be pardoned for my present intrusion in a matter solely concerning myself, but in which your Lordship's condescension has induced me to persuade myself that you are pleased to take some interest.

Having at length surmounted all the obstacles of a domestic nature that have hitherto opposed my long cherished intention of visiting England, I am now resolved to proceed to that land of liberty by one of the vessels that will sail in November and from a due regard to the purport of the late Mr. Secretary Stirling's<sup>1</sup> letter of 15th January last, and other considerations, I have determined not to appear there as the Envoy of His Majesty Akbar the second, but as a private individual.

I am satisfied that in thus divesting myself of all public character, my zealous services in behalf of His Majesty need not be abated. I even trust that their chance of success may be improved by being thus exempted from all jealousy of a political nature to which they might by his misapprehension be subjected.

As public report has fixed an early day in October for your Lordship's departure to examine personally into the condition of the inhabitants of the upper Provinces, I take the present occasion as the last that may offer in this country for the expression of my sincere wishes for your Lordship's success in all your philanthropic designs for the improvement and benefit of my countrymen. I need not add that any commands for England with which your Lordship may honour me shall receive from me the most respectful attention, and I beg to subscribe myself your Lordship's most humble and grateful servant.

<sup>1</sup> Mr. A. Stirling, Secretary to Government in the Political Department.

**Letter to the Chairman and Deputy Chairman of the East India Company**

I have the honour to acquaint you that one of the principal objects of my visiting England is to lay before the British authorities, if found necessary, a representation with which I am charged from His Majesty, the King of Delhi, and more especially a letter from His Majesty to the King of England, which letter it will be my duty to take an early opportunity of presenting in the event of the appeal which I am induced in the first instance to make to the Hon'ble Court of Directors not being attended with success.

I would beg to state on the present occasion that I possess full and unlimited powers from His Majesty to negotiate and agree to a final settlement of what the king considers to be his fair and equitable claims on the Hon'ble East India Company. The circumstances connected with the appeal are stated in a pamphlet printed for greater facility of perusal and reference, a copy of which I now beg to submit herewith, and I may add that with the exception of one copy that I have placed in the hands of the Secretary of the Hon'ble Court, and another submitted to my confidential friend, Mr. Brown Roberts, no other copy to the best of my belief, has gone out of my possession.

I mention this fact because I am anxious to bring the whole matter quietly and unostentatiously before the Hon'ble Court of Directors, with confident expectation that they will early take the whole of His Majesty's case into consideration, and at once do His Majesty that justice to which His Majesty considers himself fairly entitled.

The whole revenues of the Crownlands which, under the agreement of 1805, the King deemed expressly conceded to him, have not only in a great part been withheld, but in fact denied. His Majesty's allowances have been limited far below what was expressly guaranteed by the Treaty sanctioned by the Hon'ble Court of Directors and the British Parliament; and it is impossible His Majesty can find means out of the limited income fixed for him to support that moderate scale of dignity which is due to the representative of the powerless, but nevertheless illustrious House of Taimur and to maintain the numerous members of the different branches of that House.

As from the printed statement you will perceive that this claim regarding His Majesty's stipend was brought before and decided upon by Lord Amherst's Government, the present local Government of India could not reverse the decision passed by their predecessors,

It is my duty therefore to press upon the immediate attention of the Hon'ble Court the extreme anxiety which I feel faithfully to execute the trust reposed in me by His Majesty.

I am prepared to satisfy them that the ample powers which I possess are sufficient to bring the matter to a final conclusion. I am confident from the well-known character of the Hon'ble Court that they will not withhold their sanction from what shall, upon a full and deliberate consideration of the whole of the circumstances, appear to be just, reasonable and equitable towards His Majesty the King of Delhi.

June 25, 1831



**Letter to the Chairman and Deputy Chairman, East India Company**

In continuation of my former address, I beg leave to request your attention to the following circumstances in order to show that after the decision of the Bengal Government, His Majesty the King of Delhi had no course left but that of deputing an Agent on his behalf to bring his claims to the notice of the authorities in England.

I beg in the first place to bring to your notice the Minute of the Government of Lord Minto dated 17th June, 1809, showing that on being informed that the revenue of the Crownlands had considerably increased, His Majesty had applied to the Government for an increase in the stipend, and that the local Government did make a trifling increase, stating however at the same time that 'it is not therefore to be supposed that His Majesty will be entirely satisfied with the extent of augmentation now proposed.' Secondly I beg to quote Mr. Ross, Agent of the Governor-General at Delhi, who states in his official letter dated 25th February, 1823, that 'During the time I was at Delhi the King repeatedly intimated to me his desire that I would take into consideration the subject of the royal stipends, giving me to understand that he expected an augmentation of them proportionate to the increased revenue of the territory which was assigned in 1805 for the support of the royal household.' Thirdly I shall only add that His Majesty appealed to Lord Amherst himself when Governor-General of India, on his visit to Delhi, whose Government finally passed a decision against His Majesty's claims in 1827-28, as shown by the Despatch from the Government of Bengal to the address of the Hon'ble Court of Directors dated 3rd February 1828. Therefore nothing remained for His Majesty after this but an appeal to the authorities in England.

I further beg leave to request your attention to the following extract of a Despatch from the local Government of Bengal to the address of the Hon'ble Court of Directors, dated 22nd May, 1829, which shows that the local Government had ascertained in the most effectual manner the fact of my being accredited Agent of His Majesty the King of Delhi to conduct his affairs in England. It is as follows: 'We have the honour to submit for your information copy of a letter and enclosure from Rammohun Roy, a native inhabitant of Calcutta of distinguished literary repute, announcing his intention of proceeding to England in the capacity of Agent to the King of Delhi, and as the bearer of a letter from His Majesty to the Sovereign complaining of the violation by the Hon'ble Company of their en-

gements with the late Shah Alam. On receipt of this communication, we directed the Resident at Delhi to intimate to His Majesty the surprise with which we had perused it, and more especially our astonishment at the unmeasured and unfounded accusation which it advances against the Hon'ble Company of having violated its engagements with the royal family. We further desired Sir Edward Colebrooke to ascertain from the King whether he acknowledged Rammohun Roy as his Agent. Your Hon'ble Court will find in the Resident's reply, a copy of which is submitted, both the King of Delhi's distinct recognition of Rammohun Roy as his Agent, and his explanation of the grounds on which he has thought proper to adopt the extraordinary procedure of departing that individual to England'.

I beg to appeal to your own judgment whether any measure could have been employed more explicitly and emphatically to authenticate the fact that I am deputed by His Majesty the King of Delhi, as his Agent, to appeal to and treat with the authorities in England for the fulfilment of the agreement entered into with him by the British Government.

I beg leave also to quote here the resolution of the Government of Bengal in the 9th article of the King's additional requests in 1827, which is as follows: 'The British Government does not recognize the right of the throne of Delhi to confer honorary distinctions on any *but* the Royal servants.'

The facts stated in the preceding paragraphs require no additional corroboration, and I have therefore only further to beg your attention to the records of your Hon'ble Court.

September 6, 1831

**Letter to the Right Hon'ble Charles Grant<sup>1</sup> etc. etc., 48 Bedford Square, 11th October, 1831**

I have been informed that the Court of Directors, after more than a month's consideration on the King of Delhi's claims, have, instead of communicating the result to me, as you expected, referred back the papers to your Board.

They are willing, it appears, to make an increase in the King's income but wish to do so by a recommendation to the local authorities—that it may be granted as a matter of justice, other persons who may have suffered injustice from their servants, might be encouraged to come forward for redress.

I beg to appeal to yourself whether you found me at all unreasonable in this matter, whether I was not disposed to yield to your suggestions to obviate any further trouble.

I addressed an appeal to His Britannic Majesty's Government in behalf of fallen Royalty, and His Majesty's Government being actuated by justice has listened to the appeal. Therefore, whatsoever is done as a matter of justice, by the express authority which has already prejudged the case, will be satisfactory to me.

Any *just* man feels desirous to be informed whether the powers entrusted to his servants, particularly those in a *remote* country, have been properly exercised, and to prove that when any injustice has been done by them he is anxious to afford redress—a course which is calculated to discourage future injustice. But with regard to the Court of Directors I am sorry to find that in my humble opinion the case is quite the reverse. In the meantime I am here so situated as to be responsible not only to the King of Delhi but to the whole body of my countrymen for my exertions in his behalf and for their welfare.

In order to obviate the excuses of the Directors that the King of Delhi should have first referred the case to the local Government and that I was unaccredited, I wrote the accompanying letter to them, a copy of which I beg to submit to your consideration,

<sup>1</sup> President of the Board of Directors of the East India Company

**Letter to Sir Charles Grant** .

As you wished me to send in the memorial I proposed, before evening today. I have expedited it accordingly and beg herewith to submit it to your consideration.

I was and *am still* willing to yield to amicable adjustment suggested by you. But finding the Court of Directors assuming so high a tone in defiance of justice, I feel bound to take my stand upon the full ~~extent~~ of the Kings claims which I trust you will perceive does not arise from any inconsistency on the part.

My dear Sir,  
Yours most faithfully,  
Rammohun Roy

November 4, 1831

**Letter to T. Hyde Villiers Esq., Secretary to the India Board**

Sir,

India having providentially been placed under the care of the Board of Control, I feel necessarily induced to have recourse to that authority when occasion requires. I, therefore, hope you will excuse the intrusion I make with the following lines.

I am informed that for the purpose of visiting France it is necessary to be provided with a passport and that before granting it, the French Ambassador must be furnished with an account of the applicant.

Such restrictions against foreigners are not observed even among the Nations of Asia (China excepted). However, their observance by France may perhaps be justified on the ground that she is surrounded by Governments entirely despotic on three sides and by nations kept down merely by the bayonet or by religious delusion.

In the event of my applying to Prince Talleyrand<sup>1</sup> for a passport I beg to know whether I shall be justified in referring to you in your official capacity as to my character. All that I can say for myself is, that I am a traveller and that my heart is with the French people in their endeavours to support the cause of liberal principles.

Sir Francis Burdett, at Mr. Byng's, liberally and spontaneously offered to give me a letter of introduction to general Lafayette, but this will not, I think, serve my purpose on my first landing in France.

I have the honour to be,  
Sir,

Your most obedient servant,  
Rammohun Roy

London,  
48, Bedford Sq.,  
December 22nd, 1831

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<sup>1</sup> The French Foreign Minister

**Letter to The Minister of Foreign Affairs of France, Paris**

You may be surprised at receiving a letter from a Foreigner, the Native of a country situated many thousand miles from France, and I assuredly would not now have trespassed on your attention, were I not induced by a sense of what I consider due to myself and by the respect I feel towards a country standing in the foremost rank of free and civilized nations.

2nd. For twelve years past I have entertained a wish (as noticed, I think, in several French and English Periodicals) to visit a country so favoured by nature and so richly adorned by the cultivation of arts and sciences, and above all blessed by the possession of a free constitution. After surmounting many difficulties interposed by religious and national distinctions and other circumstances, I am at last opposite your coast, where, however, I am informed that I must not place my foot on your territory unless I previously solicit and obtain an express permission for my entrance from the Ambassador or Minister of France in England.

3rd. Such a regulation is quite unknown even among the Nations of Asia (though extremely hostile to each other from religious prejudices and political dissensions), with the exception of China, a country noted for its extreme jealousy of foreigners and apprehensions of the introduction of new customs and ideas. I am, therefore, quite at a loss to conceive how it should exist among a people so famed as the French are for courtesy and liberality in all other matters.

4th. It is now generally admitted that not religion only but unbiassed common sense as well as the accurate deductions of scientific research lead to the conclusion that all mankind are one great family of which numerous nations and tribes existing are only various branches. Hence enlightened men in all countries must feel a wish to encourage and facilitate human intercourse in every manner by removing as far as possible all impediments to it in order to promote the reciprocal advantage and enjoyment of the whole human race.

5th. It may perhaps be urged that during the existence of war and hostile feelings between any two nations (arising probably from their not understanding their real interests), policy requires of them to adopt these precautions against each other. This, however, only applies to a state of warfare. If France therefore, were at war with surrounding nations or regarded their people as dangerous, the motive for such an extraordinary precaution must have been conceived.

6th. But as a general peace has existed in Europe for many years, and there is more particularly so harmonious an under-

standing between the people of France and England and even between their present Governments, I am utterly at a loss to discover the cause of a regulation which manifests, to say the least, a want of cordiality and confidence on the part of France.

7th. Even during peace the following excuses might perhaps be offered for the continuance of such restrictions, though in my humble opinion they cannot stand a fair examination.

First: If it be said that persons of bad character should not be allowed to enter France; still it might, I presume, be answered that the granting of passports by the French Ambassador here is not usually founded on certificates of character or investigation into the conduct of individuals. Therefore, it does not provide a remedy for that supposed evil.

Secondly: If it be intended to prevent felons escaping from justice: this case seems well-provided for by the treaties between different nations for the surrender of all criminals.

Thirdly: If it be meant to obstruct the flight of debtors from their creditors: in this respect likewise it appears superfluous, as the bankrupt laws themselves after a short imprisonment set the debtor free even in his own country; therefore, voluntary exile from his own country would be, I conceive, a greater punishment.

Fourthly: If it be intended to apply to political matters, it is in the first place not applicable to my case. But on general grounds I beg to observe that it appears to me, the ends of constitutional Government might be better attained by submitting every matter of political difference between two countries to a Congress composed of an equal number from the Parliament of each; the decision of the majority to be acquiesced in by both nations and the Chairman to be chosen by each Nation alternately, for one year, and the place of meeting to be one year within the limits of one country and next within those of the other; such as at Dover and Calais for England and France.

8th. By such a Congress all matters of difference, whether political or commercial, affecting the Natives of any two civilized countries with constitutional Governments, might be settled amicably and justly to the satisfaction of both and profound peace and friendly feelings might be preserved between them from generation to generation.

9th. I do not dwell on the inconvenience which the system of passports imposes in urgent matters of business and in cases of domestic affliction. But I may be permitted to observe that the mere circumstance of applying for passport seems a tacit admission that the character of the applicant stands in need

of such a certificate or testimonial before he can be permitted to pass unquestioned. Therefore, any one may feel some delicacy in exposing himself to the possibility of refusal which would lead to an inference unfavourable to his character as a peaceable citizen.

My desire, however, to visit that country is so great that I shall conform to such conditions as are imposed on me, if the French Government, after taking the subject into consideration, judge it proper and expedient to continue restrictions contrived for a different state of things, but to which they may have become reconciled by long habit; as I should be sorry to set up my opinion against that of the present enlightened Government of France.

I have the honour to be,  
Sir,  
Your most obedient servant,  
Rammohun Roy





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